

LABOR CONTROL AND RESISTANCE IN STRAWBERRY
INTERNATIONAL COMMODITY NETWORKS:
THE ROLE OF HUMAN DIGNITY IN BARGAINING POWER

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This dissertation examines two overlapping phenomena, the expansion of an international commodity sector and workers' resistance to the terms and conditions of their employment in it. First, it draws on commodity circuit and employment relations studies of power to develop international commodity network analysis of employment relations observed in strawberry production and retail sales. The analysis finds that network organization of the commodity circuit intensifies production managers' interests in low labor costs. National state interventions contribute to lead firm control over exchanges in the network, and support employers to sustain low-cost labor through the creation of surplus labor markets, selective regulatory enforcement, and suppression of worker collective action. The mobilization of racialized and gendered hierarchies mediates the employer, labor, and national state interactions, supporting externalization of labor reproduction costs to workers while creating divisions among them. Second, the study draws on power resources and human development theories to explain why certain workers in the strawberry sector achieved more of their demands than others. It applies a processual model of power building to five cases of labor efforts to improve their employment. The finding that workers create solidarity through the process of human dignity extends the power resources theory with an explanation of the actions that produce this necessary component of associational power.

BIOGRAPHICAL SKETCH

Matt Fischer-Daly was born in Royal Oak Michigan. He attended the University of Detroit Jesuit High School. In 2002 he received his B.A. in Political Science and Spanish from the University of Michigan. He then worked as an English teacher in Spain and a liaison between an education project and its funder in Guatemala. In 2006, he received his M.A. in International Economic Relations from American University, where he attended the School of International Service. Thereafter, he worked for Social Accountability International on the application of international labor standards, then for the International Labor Rights Forum, where he coordinated the Cotton Campaign to end forced labor in the cotton industry. Since 2016 he has been a doctoral student at the Industrial and Labor Relations School at Cornell University.

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TABLE OF CONTENTS

Chapter 1: Introduction – Analysis of Contestation in Strawberry International Commodity Networks	1
International Commodity Networks.....	7
Conceptualizing Bargaining Power in Employment Relations.....	14
A dignity-based model of worker processes of building bargaining power	20
Study design: Analysis of bargaining power in strawberry ICNs.....	25
Chapter 2: Familias Unidas por la Justicia and Sakuma Brothers	32
Learning sources	35
Management’s sources of bargaining power in the North American strawberry ICN: the case of Sakuma Brothers Farms, Inc.....	36
Building power through the process of human dignity: 2013-2016	43
Dignity in the formation of collective bargaining between FUJ and Sakuma Brothers.....	55
Chapter 3: Sindicato Independiente Nacional Democrático de Jornaleros Agrícolas and strawberry production in San Quintín, Mexico.....	69
Learning Sources	73
Management’s sources of bargaining power in the production of strawberries in San Quintín	74
The long road towards dignity in San Quintín strawberry fields	91
Chapter 4: Bargaining Power in the Development of the Strawberry Sector in Spain	121
Learning Sources	123
Management’s source of bargaining power in the production of strawberries in Spain.....	124
Workers Bargaining Power in Spain’s Strawberry Sector.....	142
Working Conditions in a Surplus, Differentiated Labor Market with Disconnected Unions	148
Disconnected labor and delayed power building	150
Chapter 5: Retail Sales and Bargaining Power in Strawberry International Commodity Chains.....	153
Learning sources	159
The economic, political, social forms of power that make and are used by Walmart	160
Labor Organizing at Walmart	181
A Shadow Case of Strawberry Sales: Shifting Bargaining Power in German Food Retail	207
Chapter 6: Comparing Labor Regimes in the Strawberry Sector.....	215
Sources and Uses of Managerial Bargaining Power in the Strawberry Sector	217
Labor Building Bargaining Power in the Strawberry Sector	238
Chapter 7: Concluding observations.....	256
Implications of ICN analysis and a dignity-based model of power building.....	257
Study limitations	261
REFERENCES	264
ENDNOTES	286

LIST OF CHARTS

Chart 1: World Strawberry Expansion and Labor Resistance in Leading Export and Sales Locations.....	3
Chart 2: Growth of the Mexican and North American Strawberry Sector.....	76
Chart 3: Unit Value of Strawberry Exports: Mexico to USA- 1990-2019.....	76
Chart 4: Strawberries as Percentage of Total Agricultural Value: Baja California.....	78
Chart 5: Strawberry Production – Mexico, by State 1980-2019	104
Chart 6: Strawberry Production in and Exports from Spain and Frontier-Expanding Events.....	122
Chart 7: Country Shares of World Strawberry Exports 1988-2019.....	123
Chart 8: Growth of World Strawberry Production & US Food Retail Shares of top 4, 8, & 20 firms, 1992-2016.....	154
Chart 9: Dollars per US union member to match Walmart Sales, 1972-2020.....	185

LIST OF FIGURES

Figure 1: A Model of Power Building by Workers Confronting Precarious Employment.....	21
Figure 2: Process of workers progression from strike to collective bargaining at Sakuma Brothers, 2013-2020.....	63
Figure 3: Process of workers progression from precarious to decent work during the 2015 strike in San Quintín.....	114
Figure 4: Disconnected labor and delayed process of building power Spain’s strawberry sector.....	151
Figure 5: Disjointed process of building worker bargaining power at Walmart.....	196
Figure 6: Simplified strawberry international commodity network.....	219
Figure 7: Human dignity in five instances of labor collective action in the strawberry sector...	251

LIST OF TABLES

Table 1: Summary of case studies of labor regimes in strawberry production & retail sales.....	29
Table 2: Interview count.....	30
Table 3: FUJ rank-and-file members' comments on the effects of union representation.....	54
Table 4: Employer Obligations & Compliance Status, Strawberry Sector, San Quintín.....	72
Table 5: Interviews of participants in strawberry production in San Quintín, Mexico.....	74
Table 6: Walmart facts.....	157
Table 7: Major introductions of information technology by Walmart.....	175

LIST OF ABBREVIATIONS

ACORN: Association of Community Organizations for Reform Now	FUJ: Familias Unidas por la Justicia
Alliance: Alianza de Organizaciones Nacional, Estatal, y Municipal por la Justicia Social (Alliance of National, State, and Municipal Organizations for Social Justice)	FUTEH: Fundación de Trabajadores Extranjeros de Huelva (Foundation for Foreign Workers in Huelva)
ANAPEC: Agence Nationale de Promotion de l'Emploi e des Compétences (National Employment and Training Agency of Morocco)	ICN: International commodity network
ASAJA: Asociación Agraria Jóvenes Agricultores de Huelva (Agrarian Association of Young Agriculturalists)	IMF: International Monetary Fund
CABC: Consejo Agrícola de Baja California (Agriculture Council of Baja California)	IMSS: Instituto Mexicano de Seguridad Social (Mexican Social Security Institute)
CC.OO.: Comisiones Obreras (Laborers' Commissions)	IUF: International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
CDI: Comisión Nacional de los Pueblos Indígenas (National Commission of Indigenous Peoples)	MUDJI: Mujeres Unidas en Defensa de Jornaleras Indígenas (Women United in Defense of Indigenous Female Agricultural Day Laborers)
CGT: Confederación General de Trabajo (General Confederation of Labor)	MUJI: Movimiento de Unificación de Jornaleros Independientes (Unity Movement of Independent Day Laborers)
CIOAC: Central Independiente de Obreros Agrícolas y Campesinos (Independent Central of Agricultural Workers and Peasants)	NAFTA: North American Free Trade Agreement
CNT: Confederación Nacional del Trabajo (National Confederation of Labor)	NLRA: National Labor Relations Act
CROC: Confederación Revolucionaria de Obreros y Campesinos (Revolutionary Confederation of Laborers and Peasants)	NLRB: National Labor Relations Board
CROM: Confederación Regional Obrera Mexicana (Regional Confederation of Mexican Laborers)	OUR Walmart: Organization United for Respect at Walmart
CTA: Colectivo de Trabajadores Africanos (CTA)	PCM: Partido Comunista Mexicano (Mexican Communist Party)
CTM: Confederación de Trabajadores Mexicanos (Confederation of Mexican Workers)	PER: Plan de Empleo Rural (Rural Employment Plan)
EU: European Union	RILA: Retail Industry Leaders Association
FILT: Frente Indígena de la Lucha Triqui (Indigenous Front of the Triqui Struggle)	RWDSU: Retail, Wholesale, and Department Store Union
FIOB: Frente Indígena Binacional (Binational Indigenous Front)	SAT: Sindicato Andaluz de Trabajadores (Andalusian Workers Union)
	SEIU: Service Employees International Union
	SINDJA: Sindicato Independiente Nacional Democrático de Jornaleros Agrícolas (Independent National Democratic Union of Agricultural Day Laborers)
	SOC: Sindicato de Obreros del Campo (Union of Field Laborers)
	STPS: Secretaría del Trabajo y Previsión Social (Secretariat of Labor and Social Welfare)

SVC: San Vicente Camalú
UFCW: United Food and Commercial
Workers
UFR: United for Respect
UGT: Unión General de Trabajadores
(General Workers Union)
ULP: unfair labor practice
UN: United Nations

UNHRC: United Nations Human Rights
Commission
USMCA: United States-Mexico-Canada
Agreement
USPTO: United States Patent and
Trademark Office
WWA: Wal-Mart Alliance for Reform Now

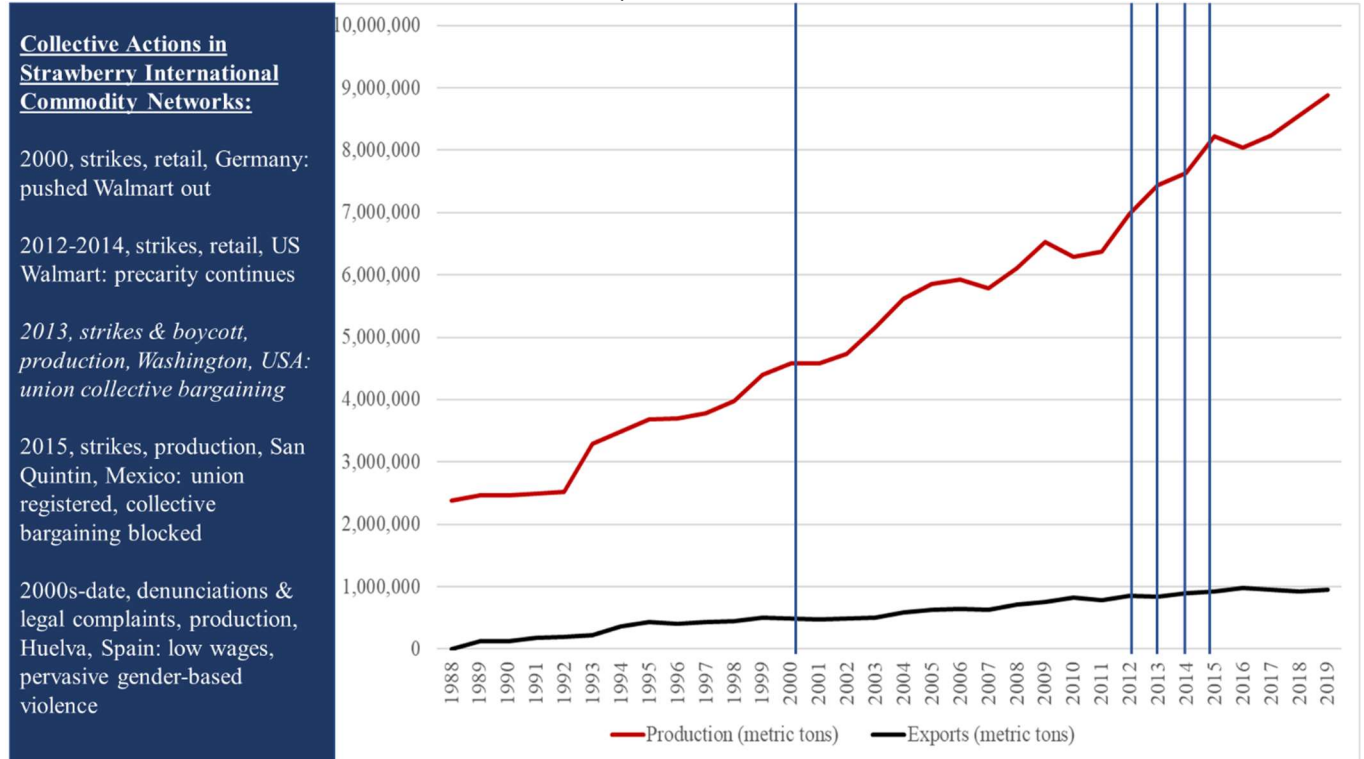
Chapter 1: Introduction – Analysis of Contestation in Strawberry International Commodity Networks

The strawberry sector has expanded into an internationally organized network of vertically coordinated corporations selling the highly seasonal and perishable fruit year-round over the last three decades. Since 1988, international trade grew from zero to more than two billion pounds annually (UN Comtrade 2020). Companies with control of strategic exchanges in the network have grown commensurately. The dominant berry brand Driscoll's has expanded to a \$3 billion valuation, selling patented plant varieties and purchasing berries from production companies in 21 countries, and marketing berries in 48 countries (Goodyear 2017; Shanker 2016; Shelman 2018; USPTO 2020). The dominant consumer sellers of strawberries are retail corporations, of which, four control more than 40% of grocery sales in the largest berry consumer market, the United States. As the dominant retailer of the last thirty years and with three times the revenue of its nearest competitor (Deloitte 2020), Walmart has shaped the organization of economic activities in the strawberry sector, including employment relations. As an international commodity sector, strawberries boomed through the extraction of value from the workers who suffer picking them and the workers who shelve them whenever a retailer demands their labor power.

Workers in the labor-intensive production and sales nodes of the strawberry sector have rebelled against their super exploitation, yet not all resistance has yielded enduring improvements in working conditions. Labor's collective action has shared a goal of gaining the right to participate in the rules to which they are subjected at work, with varied outcomes. The strikes, boycotts, and lawsuits conducted by the union Familias Unidas por la Justicia (FUJ) resulted in a robust collective bargaining with the Sakuma Brothers company and a workers cooperative in the US state of Washington. The largest strike by agribusiness workers in the history of Mexico shut down

export strawberry production and distribution in the municipality and agro-export hub of San Quintín, yet the workers' demands for freedom of association and collective bargaining as well as living wages and benefits remain unfulfilled five years later. In Spain's strawberry sector, concentrated in Huelva province of Andalusia, paying harvest workers under the legal minimum rate has been codified, and sexual assaults remain prevalent despite public protests and hundreds of legal complaints annually over what the United Nations Special Rapporteur on extreme poverty and human rights described as "unconscionable labour conditions prevailing in this area" (UNHRC 2020). In the sales node, workers have campaigned for unionization unsuccessfully over twenty years at Walmart in the United States, while concentrated market power in retail has fueled competitive pressures and avoidance of collective bargaining in Germany. These cases are in the three largest exporters of strawberries – Mexico, Spain, and the United States – and the largest markets for their sales, the US and German food retail.

Chart 1: World Strawberry Expansion and Labor Resistance in Leading Export and Sales Locations, 1988-2019



Source: author’s compilation with data from FAOSTAT, UN COMTRADE

The strawberry sector therefore offers insights into bargaining power in commodity networks not only due to its rapid expansion but also as the site of workers’ contestation of the terms of their incorporation into the network. Chart 1 illustrates the dynamic of growth and disruption. The contestation between labor and the companies in the strawberry international commodity network is the subject of this study. The strawberry sector’s expansion and labor-management contestation offer insights into two contemporary questions of power in the international political economy.

The first question taken up in this study is how economic, political, and social forms of power create and recreate circuits of production, distribution, and consumption of commodities as empirically observed. Observations of inequity in international processes of capital accumulation

have motivated scholarship for decades (Hopkins & Wallerstein 1977, 1986; Gereffi 1994). In recent years scholars have pushed the study of commodity circuits to account for the interplay of capitalist exchange, national state practices, and socially constructed hierarchies (Dicken, Kelly, Olds, and Yeung 2001; Bair 2005; Mezzadri 2016). The commodity circuits literature has contributed much clarity to complex networks of exchange and challenged the employment relations field to attend to the forces in which workplaces are embedded. While often identifying multiple forms of power in commodity circuits, the literature on them often stops short of explicating implications for terms and conditions of employment. This study brings the two approaches together to identify the economic, political, and social forms of power that produced and continue to reproduce the expansion of the strawberry sector, and to identify the mechanisms through which observed forces result in observed employment outcomes. The approach is described as international commodity network (ICN) analysis.

The second question studied is why certain workers in the strawberry sector had greater success with their collective action than others. More broadly, the question concerns the fundamental dynamics underpinning workers' efforts to advance their interests. The power resources approach, which assumes that "employment relations...involve a distributive conflict between employees and employers" (Korpi 2006: 172), has developed several concepts to address this question. Important explanatory contributions include the development of associational and structural power (Wright 2000; Silver 2003; Katz, Kochan & Colvin 2017) and associated symbolic, coalitional, and institutional power resources (Bourdieu 1991, 2000; Chun 2009; Brookes 2013, 2019; Brinkmann & Nachtwey 2013; Gumbrell McCormick & Hyman 2013). The formidable structural power of employers has led many scholars to emphasize associational power (Wright 2000; Rhomberg & Lopez 2021). Towards understanding the mechanism through which

associational power is created, this study applies a processual model of labor power building in which the psycho-social process of human dignity is the causal mechanism, necessary albeit insufficient to achieving demands (Honneth 1995; Beach & Pederson 2013).

The application of ICN analysis and the power-building model to production and sales stages of strawberry commodity circuits sector helps to explain terms and conditions of work in the sector. Across the cases of production in Mexico, Spain, and the United States and sales in the United States and Germany, workers harvesting and selling strawberries experience low wages, unstable schedules, insecure employment commitments, limited access to social services such as healthcare, discrimination based on social constructs of gender and race, and resistance to their demands for freedom of association and collective bargaining rights. The outcomes reflect the bargaining power of management and labor.

Managers of the strawberry sector, this study finds, gain relative power over workers in the production and sales nodes of the network from structural power, political power, and the power of differentiation of labor. Structural power derives from the organization of the production, distribution, and consumption of strawberries and the organization of the labor market. Network organization of economic transactions enables the insulation of capital from concentrations of labor, and monopsony power in labor markets supports the suppression of remuneration rates. Political power supports concentrated market power, the expansion of production and sales to multiple locations, externalization of costs of labor's reproduction, and unilateral managerial discretion over work rules through under-enforcement of regulations. The power of differentiation derives from socially legitimized hierarchies according to identities that deny full humanity and instead essentialize people with reference to notions of race and/or gender. Such reified social

orders mitigate workers' collective power and shield companies from the loss of legitimacy that might erode their economic competitiveness.

Labor, in dialectical relation to managers, builds power by gaining recognition of their human dignity. In the production and sales nodes of the strawberry network, workers face antagonistic economic, political, and social institutions. Through the process of dignity, mutual recognition of each other's capacity to participate in the rules to which they are subjected, workers produce solidarity and thereby build associational power. Associational power is essential to gaining influence over the terms and conditions of their employment. It enables strike actions and enlistment of allies. Coalitional power mitigates the high risk of striking by workers paid poverty wages by adding additional forms of pressure such as boycotts. By combining associational and coalitional power, workers have gained recognition of their dignity from employers and state actors, leading to improvements of their working conditions through collective bargaining and governmental regulation.

The remainder of this chapter situates the study. The following two sections elaborate the approaches used, ICN analysis and the dignity-based model of power building. In the following section, the approach to study labor regimes in strawberry international commodity networks is elaborated. Subsequently, the concepts used to analyze bargaining power within the strawberry ICNs are explained, leading to the model of power building considered in this study. The methods for approaching questions of power in international agribusiness is then explained. The chapter concludes with a preview of the rest of the dissertation.

International Commodity Networks

The study of the organization of economic activities in capitalist society informs the approach of the present study to consider employment relations at both production and sales stages of the strawberry sector. The processes that result in consumption of commercial strawberries are referred to here as international commodity networks (ICNs) to emphasize the active role of national states in the labor processes of creating use and exchange values across corporations that relate to each other in network forms.

The interlinked processes that bring commodities, those combinations of use and exchange values, to consumers provide sites of value accumulation (Marx 1867/1990: 156).¹ Exemplifying this tendency, the commercial strawberry gains its pleasurable and nutritional attributes and its rank as the highest revenue generating produce for grocers through a web of plant breeding, cultivation, transportation, marketing, and sales. The exchanges between the often-independent companies responsible for these processes are typically unequal. Thus, to understand the social and employment relations observed at link one requires consideration of the terms of its exchange with others (Hopkins and Wallerstein 1977, 1986). In the strawberry sector, the largest production companies are miniscule compared to the marketing companies, which in turn have revenues hundreds of times less than the largest retailers.² From the empirical observation of unequal exchange between multiple entities emerge several questions, including the bounds of each and the use of power in their interactions.

Given the production, circulation, and consumption processes involve multiple organizations, their bounds are an immediate consideration. Historical patterns suggest that capital, and thus the corporations in which it is concentrated, prefers flexibility and mobility (Arrighi 1994).³ Contemporary studies of the food system have similarly found capital concentrated not in

production but the processes with higher returns on and lower risks to investment (Kautsky 1988; Russi 2013), a tendency evident in the rule-setting role played by retailers and marketing companies in the strawberry sector. While not owning production, these companies maintain substantial control over decisions made by the companies that do, reflecting the inequities between them and evincing the network form of coordination between hierarchical- and market-based exchanges (Powell 1990; Anner, Fischer-Daly, & Maffie 2021). The strawberry sector reflects the pattern, with the most capitalized companies directing exchanges as retail or marketing firms, not primarily production companies. Exemplifying direction of ICNs, Walmart accounted for approximately one-third of US food sales in 2020,⁴ so suppliers complied with its terms.

The next consideration, then, is how companies coordinate their exchanges. The strawberry network could be considered “buyer-driven” (Gereffi 1994)⁵ due to the control over production companies asserted by the retail and marketing companies buying their fruit, but closer analysis reveals a range. “Modular network” governance (Gereffi, Humphrey and Sturgeon 2005)⁶ better describes the strawberry retailer-production company exchange, because the suppliers comply with the buyer’s standards and otherwise assume full responsibility for production. “Captive network” governance (Gereffi et al. 2005) better describes the strawberry marketer-production company exchange, under which the marketer determines production decisions including the varietal of strawberry planted, and the supplier could not afford to market independently. Furthermore, if we look to the inputs used by strawberry production companies, we find “producer-driven,” transactional exchanges, in which oligopolistic manufacturers of inputs set the terms of exchange with buyers, the production companies. Indicative of the market power of input suppliers, four companies own 56% of strawberry plant patents; Driscoll’s alone owns 28% (USPTO 2020). Recalling the rationale for studying entire networks, to explain inequities, a key

implication of lead companies' power over exchanges in the network is that capital is distributed unevenly, often away from labor (Anner 2017).⁷

If we extend analysis beyond the focus thus far on firm-to-firm relations, we see that the processes that bring strawberries to consumers are shaped also by companies' relations with labor, national states, and the societies in which they operate. In other words, it is emphasized here that commodity networks are "relational processes" understood by focusing "on the *exercise* of power by actors in networks, rather than just on the embeddedness of power in these networks" (Dicken, et al. 2001). As this study argues, labor and management derive their bargaining power from these multiple, interacting relations.

An important extension beyond firm focus is to address the active participation of national states, which are too often obscured in studies of commodity circuits. The initial proposal of studying commodity circuits pushed against development theories bounded by political maps by recalling capital's world scope and observing that "state machineries affect the distribution of economic tasks by 'interfering' in the natural flow of the world market mechanism – to create or destroy monopolies, to subsidize or render more expensive productive activities, to destroy or protect produced goods" (Hopkins and Wallerstein 1977: 130).⁸ In developing a framework for studying commodity circuits, Gary Gereffi (1994: 96-97, 100) noted that "national development strategies play an important role in forging new production relationships." Yet, by the mid-2000s the national state had disappeared from highly influential interventions (Gereffi et al. 2005).

Far more than backdrop contexts, national states prominently shaped the development of the strawberry network, as detailed in subsequent chapters of this study. The Mexican government paved the way for export strawberry agribusiness in San Quintín by constructing the highway connecting the valley to San Diego in the USA, shifting subsidies from small producers to the

exporters, and negotiating favorable investment and trade terms in the North American Free Trade Agreement (NAFTA). The Spanish government created the irrigation systems that made possible water-intensive agriculture in arid Andalusia and secured market access and subsidies for agribusiness through its membership in the European Union (EU). The United States government establishment of intellectual property rights over life forms made possible Driscoll's capture of markets worldwide without production or consumer sales, and its "consumer-welfare" or anti-anti-trust doctrine made possible Walmart.

Beyond the infrastructure for the commodity market, national states substantially helped create the labor markets for the strawberry sector. National states produced new supplies of wage labor by displacing indigenous communities from their lands and foreclosing their prior, non-wage means of social reproduction, a process observed generally in the creation of commodity networks (Wood 2000; Bair and Werner 2011). While colonial projects had encroached on the indigenous communities of present-day Mexico and Morocco now employed in North American and Spanish strawberry production, privatizations and concessions of property rights over land and water by the Mexican, Moroccan, Spanish, and US governments completed the enclosures since the 1980s, establishing surpluses of labor on which the strawberry sector relies (Swyngedouw 2007; Minoia 2012; Velasco et al. 2014; Zlolski 2019). The reproduction of cheap labor has also relied on state intervention.

As theorists of business strategy and capitalist exploitation alike highlight, companies compete in international commodity networks by arbitraging unit labor costs (Berger 2006: 260; Suwandi 2019). In the strawberry ICN, wages for harvest labor are an estimated four to eight times more in the United States than in Mexico and nearly six times more in Spain than in Morocco.⁹ Managers in the strawberry ICN exploit these differentials in two ways, locating production and

hiring labor from where labor costs are lower. The expansion of the strawberry ICN has involved new production in Mexico and Morocco, especially since the 1990s. It has also involved employment of labor from the two countries for production in their northern neighbor states, for 75% of all labor employed in US agribusiness and 25% of labor employed in the strawberry sector in Spain.¹⁰ The employment of migrant labor allows employers to differentiate workers and externalize the costs of labor reproduction to the migrants' home communities, thereby increasing relative surplus value extraction by paying less than the local minimum subsistence costs (Burawoy 1976).¹¹ Indicating the importance of the link between location cost of living and wage rates, two of the cases of worker uprisings studied herein occurred after workers ceased migrating and became residents where they harvested strawberries. For the same reasons, managers of strawberry production in Spain and the United States have turned to their national states for immigrant labor programs as previously used mechanisms for hiring immigrant labor lost their advantages for employers. Approaches to legal enforcement is the third primary intervention of national states that has contributed to the strawberry sector's growth.

The global norm in agribusiness is a state of exception from labor laws. As the International Labour Organization (ILO) reports, "[i]n a number of cases, they [agricultural workers] are explicitly excluded, either fully or partially, from the relevant laws, or, when they are covered under the law, they are excluded from protection in practice."¹² Legal exceptions and underenforcement are another form of political relations actively shaping strawberry ICNs. The United States government's exclusion of agribusiness workers from federal protections of collective bargaining rights indicates the national state's orientation towards the industry's employers, whose unilateral discretion towards the costs of labor reproduction is indicated by government estimates of one-third of agribusiness workers with incomes below the poverty line

and more than half reliant on public assistance programs (USDOL 2018). State supported collusion between employers and corrupt union entities blocks freedom of association and collective bargaining, while under-enforcement of regulations sustains non- and under-payment of legally required compensation to strawberry harvest workers in Mexico. In Spain, low enforcement is indicated by the prevalence of sexual assaults towards the overwhelmingly female workers hired from Morocco for the strawberry harvest, while a national union federation and the relevant agribusiness association set wages below national legal minimum levels. In retail, the ability of US-based employers to repress or simply relocate away from workers who seek collective bargaining has prevented unionization at the dominant company Walmart while driving the 6% of unionized retail workers to make concessions to their smaller employers (Milkman 2004; Lichtenstein 2011). In Germany, state creation and under-enforcement of part-time, low-hours contracts known as “mini-jobs” became food retailers’ strategy to compete on Walmart’s terms.

Intersecting with firm and national state strategies, social orders provide sources of power affecting employment relations in strawberry ICNs. As Dicken et al. 2001 emphasized, studying whole networks necessarily involves analysis of social forms of power in addition to the economic and political. As will be further elaborated in analysis of each case, expansion of the strawberry sector is intertwined with the use and repurposing of gender and racialized social constructs in ways that deepen managerial control over labor.

Generalized subordination of women in societies in which strawberry ICNs are embedded is mobilized with material effects for women working in the sector. Production companies in Spain explicitly recruit mothers as assurance that they will return home after the harvest and not settle (Martin 2016: 21; Interviews). In Mexico’s San Quintín Valley, women of the first generation of indigenous migrant workers recalled that “the foremen did not treat us well – a lot of assault, many

vulgar, gross language, and yes, physical assault as well.” To date, a gendered division of labor excludes women from ‘technical’, higher-paying jobs, most clearly indicated by a single production company in 2020 beginning to open all positions to women. In the case in Washington, USA, the worker first elected union president had gained trust of fellow workers by standing up to managers who harassed women. The social force of patriarchy is also mobilized in the sale of strawberries. In US retail, Walmart infamously adapted “the management/labor dyad to a ‘natural male/female hierarchy” to dampen workers’ solidarity (Moreton 2007: 76), resulting in rampant discrimination against women, acknowledged but not penalized by the US Supreme Court.¹³ In Germany, retailers hire women and youth disproportionately “because these groups tend to be weakly organized and poorly represented in unions and works councils,” and the government created the mini-job modality to attract “housewives” to the precarious positions based on the assumption that the workers would be sustained by their husbands’ better terms of employment (Jaehrling & Méhaut 2013; Carré & Tilly 2017: 122, 144). Furthermore, in each context, women’s unpaid care work subsidizes agribusiness while multiplying female workers’ workloads.

As Cedric Robinson (2000: 2) explained, racialism is the “legitimation and corroboration of social organization by reference to the ‘racial’ components of its elements.”¹⁴ At the core of racialism is the reification of social hierarchies that permeates ideological and material society, implying that such differentiation co-constituted modernity, its dominant economic, political and cultural institutions.¹⁵ Racialism operates in relation to economic and political orders, sharing “a common premise...of a right to exclude” (Harris 1993: 1714), and intersects with patriarchy to compound power over racialized women (Crenshaw 1989) These forces also shape labor markets in strawberry ICNs. In Spain, for example, the employment of immigrant women workers from Morocco for the strawberry harvest and widely reported labor and gender abuses involved persist

in a culture of impunity that rests on the legacy of Spanish colonialization of northern Africa, re-institutionalized into a form of managerial control through immigration policies of recent decades. Similarly, the employment of indigenous peoples for strawberry fieldwork in Mexico and the United States is based on a reductionist identity of ‘the indigenous’ that denies the legitimacy and complexity of diverse indigenous communities.

The operations of firm strategy, national state policy, and social hierarchies are explored in each case to consider why certain actors have power over others. Yet while the ICN approach establishes the scope of analysis, explaining contested employment relations within the strawberry ICN requires a means to clarify how forms of power lead to employment outcomes. The employment relations literature on bargaining power provides concepts to consider the channels through which the observed economic, political, and social forces shape the terms and conditions of employment in the strawberry sector. The following section introduces the bargaining power concepts that will be applied.

Conceptualizing Bargaining Power in Employment Relations

Bargaining power in employment relations may be understood as management and labor’s capacities to advance their interests despite resistance, and interests are understood to include material and psychological components.¹⁶ It explains the rules governing behaviors by employers and employees. Whereas some approaches to power limit it to a dyad, “resistance” recognizes that workers and employers interact with social, political, and economic systems, such as those discussed in the preceding section, that affect the rules that govern their relationship.

Before outlining a framework for analyzing bargaining power, it is worth recalling the material interests of workers and managers, while keeping in mind that their goals additionally

include psychological and social dimensions. Materially, owners of capital only invest it in labor to the extent that they expect to be able to extract surplus value from the labor process (Marx 1867/1990): 796), while sellers of labor power seek to the means of their survival, i.e. the cost of living in a particular social context. While the remainder of this section details management and labor strategies, their strategies derive directly from these material interests. Strategies to increase profit from the employment of labor include paying workers less than their living costs, super exploitation; paying ever lower wages, immiseration; increasing work time without commensurate pay; and increasing the rate of surplus value extraction by increasing productivity or reducing living costs, i.e. the costs of the reproduction of labor power (Marx 1867/1990): 429-438; Selwyn 2018: 38-39). For their part, workers can strike, making dearer their labor power by making it scarcer but risking their means of living; boycott, disrupting the transformation of a product into profit but requiring organization of consumer purchasing power; and organize cooperative control over means of production, which changes their class position and attracts pressure from capitalists and allied states interested in capital expansion. Management and labor pursue such strategies in relation to each other, national states, and other social actors, a dynamic made clearer by applying a bargaining power framework.

Bargaining power is understood to be comprised of two main components. Total power refers to total capital available for allocation at the organization; therefore, higher total power is preferred by management and labor (Katz et al. 2017:90). The shared interest of management and labor also reflects that total power is largely determined by macro-economic demand and micro-economic degree of competition the organization faces (Katz et al. 2017: 90), which can be difficult for the parties to influence. Relative power refers to the respective abilities of management and labor to achieve their distinct goals, including the distribution of total power between them

and control over the labor process, i.e. work rules (Katz et al. 2017: 91). It is determined primarily by the price elasticity of management's demand for labor, i.e. the wage-employment tradeoff, and strike leverage (Katz et al. 2017: 91-97). More elastic demand for labor favors management; more inelasticity favors labor. Four conditions increase inelasticity: workers are relatively difficult to substitute; the price of the final product can be increased without loss of sales, i.e. price inelastic product demand; costs of inputs to production can be reduced without reducing their volume, i.e. price inelastic input supply; and labor costs account for a relatively small portion of overall production costs (Marshall 1920(1961):383-386).

Strike leverage refers to labor and management's ability to withdraw from their exchange in order to extract concessions from the other party – for management, refusing to employ workers' labor power, i.e. lockout; for workers, refusing to exert their labor power, i.e. strike. Management's strike leverage is determined by their ability to continue production, sales, and profit without the use of the labor power of the workers with whom they are in conflict. The more management can continue production with replacement workers, re-assigned managerial staff, or machinery; sales with product from alternative sites or inventory; and profit with alternative revenue streams, the more they are able to withstand a strike and extract more concessions from labor. Structurally, labor's strike leverage is determined by marketplace and workplace power (Wright 2000; Silver 2003:13; Katz *et al.* 2017:93-94). Marketplace bargaining power refers to the degree of surplus labor available, which depends on employment-to-population levels, scarcity of skills required for the task, and workers access to income sources independent of the particular employer (Wright 2000:962; Silver 2003:13; Katz et al. 2017: 93). Workplace bargaining power refers to workers' capacity to disrupt production, sales, and profit of a company, which depend on the company's

internal strategy and relationship to companies supplying inputs, purchasing its product, and competing with it, as well as to states (Wright 2000:962; Silver 2003:13).

Use of structural power requires associational power (Thomas 2019: 5; Rhomberg & Lopez 2021). By forming a collective, workers build associational power. It depends on solidarity (Katz *et al.* 2017:94), which can be understood as workers' collectivist identity and willingness to act in unison based on shared interests and recognition of divergent interests with employers (Mann 1973: 13). It can be measured by their ability to “sanction defectors from cooperation both among their own members and among capitalists” (Wright 2000:962).

Workers and management often seek to sustain achieved capacities by building institutional power (Brinkmann and Nachtwey 2013). State-based institutional power refers to the degree to which a state regulates management's flexibility and mobility on the one hand, and labor's collective action on the other (Gumbrell McCormick and Hyman 2013). It thus depends on the capacity of a party to influence state actors, or political power (Katz *et al.* 2017). Employer-based institutional power refers to agreements between labor and management, reflecting a degree of shared interests (Wright 2000; Gumbrell McCormick and Hyman 2013). Both forms, however, depend on state action, either through establishing and enforcing laws or by legitimizing employee-employer agreements. As a mechanism that fixes rights and restricts actions, institutional power is an intermediate outcome (Ramsay 1977; Webster 1988), implying that experienced outcomes depend on continual combinations of power resources.

Researchers have also identified coalitional and symbolic power resources, particularly in contexts of managerial structural and/or institutional power advantages. Collectively organized workers build coalitional power by “involving other, non-labor actors willing and able to influence an employer's behavior” (Brookes 2013: 2019). Social movement theorists have described

coalition participants as “conscience constituents,” i.e. supporters who do not directly benefit but believe demands resonate with their morals (McAdam et al. 1996). In this sense, employers also build coalitions, including business associations advancing common interests of multiple firms. Symbolic power refers to the use of communication as a persuasive instrument to illustrate the illegitimacy of particular social relations and a vision of legitimate alternatives (Bourdieu 1991; 2000). Some observers refer to this resource as discursive power (Lévesque and Murray 2010). Using language and non-verbal symbols known from prior social struggles helps distinguish between the illegitimate and legitimate (Chun 2009). As increasingly observed and evinced by the cases studied herein, all parties deploy symbolic power.

To distinguish power resources is not to suggest their separation; labor and management deploy them in combination, resulting in shifts towards more precarious or decent work. Precarious work and decent work may be considered two points on a spectrum of bargaining outcomes and are best understood in relation to each other. Sociologists have explained precarious work as “work that is uncertain, unstable, and insecure and in which employees bear the risks of work (as opposed to businesses or the government) and receive limited social benefits and statutory protections” (Kalleberg and Vallas 2017: 1). Their definition identifies the antagonistic position of extant institutions towards labor, a characteristic of precarious employment that forces workers to build power incrementally (Zajak 2017). The contrasting definition of decent work partly mirrors the definition of precarious work while placing greater emphasis on worker agency. The most common understanding of decent work is that advanced by the ILO (2021), which defines it as “work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to

express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.”

Studies of precarious and decent work point to the combination of power resources by labor and management. In their analysis of contemporary employment relations in Europe, Virginia Doellgast, Nathan Lillie, and Valerie Pulignano (2018) offer a predictive theory based on such combinations. They predict that a “vicious cycle” towards more precarious work results from the interactions of worker identities emphasizing divisions, exclusive unions, exit-oriented employer strategies, and partial or weak state support for welfare, worker protections in labor markets, and collective bargaining (Doellgast et al. 2018). In contrast, a “virtuous cycle” towards decent work results from inclusive solidarity among workers and unions, voice-oriented employment strategies for securing labor’s cooperation, and extensive and inclusive state welfare provision, labor market management, and collective bargaining support (*Ibid*).¹⁷ In other words, the combination of labor’s associational with state-based and employer-based institutional power drives shifts towards decent work. While importantly establishing combined use of power resources, from labor’s perspective, change rests on solidarity, a central component of associational power, requiring its explication.

Associational power as the cornerstone of labor’s bargaining power is well developed. As Chris Rhomberg and Steven Lopez (2021) argue, any resources workers might mobilize depends on associational power. Exercise of associational power requires both “organization and solidarity” (Wright 2000: 985). Capitalists do much to organize workers into “a class in itself as against capital” by physically assembling workers and presenting wages as their “common interest” (Marx 1847). Yet the conditions in which workers are assembled – such as their racialized and gendered division of labor in strawberry ICNs – require deliberate social construction of solidarity (Gramsci 1992). Such construction likely entails progressive perception of common

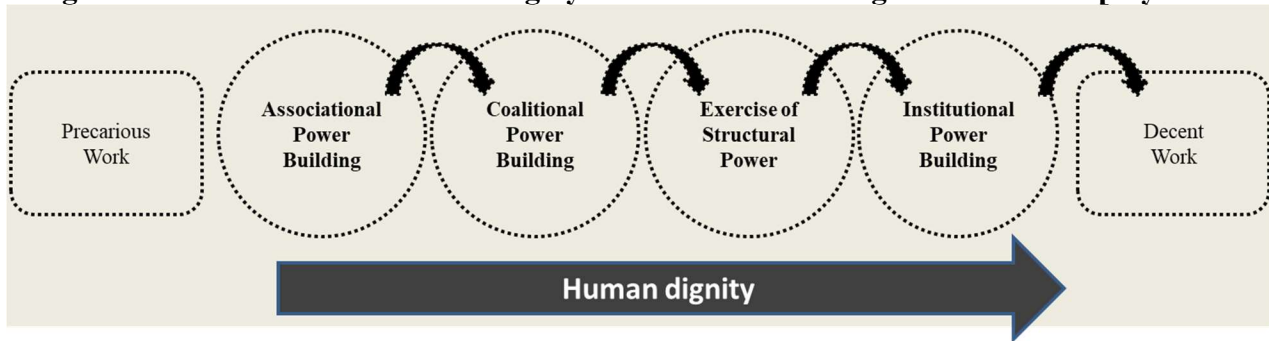
interests with coworkers, of management as common adversary, of labor-capital struggle as central to society, and of alternative social arrangements (Mann 1973). Collective action appears to accelerate consciousness progression (Blackburn 1967; Fantasia 1988). Workplace interactions of more and less strategic character with coworkers and management often produce and reproduce workers' perceptions of themselves in relation to the other parties, not always towards greater class solidarity (Burawoy 1979). When people develop consciousness of common interests through their interactions, behavior and neural activity tends to shift from exhibiting ties of friendship towards trust-based, functional solidarity motivated by collective pursuit of a goal (Reich & Bearman 2019). What is the essential activity in those key interactions, in other words, how labor develops solidarity and thereby associational power, has received less attention. If labor's bargaining power turns on associational power, clarifying the process of its development is a fundamental question for employment relations. Towards clearer understanding of associational power and overall power building by labor, this study applies the concept of human dignity.

[A dignity-based model of worker processes of building bargaining power](#)

Applying human development and process-tracing theories suggests that recognition of human dignity catalyzes worker power-building processes; power resources are interdependent; and associational power is necessary and often insufficient, especially for workers facing management with significantly more structural and institutional power. The hypothesis tested in this study is that workers in precarious employment shift towards decent work by sequentially building power resources, each of which is catalyzed from a latent to an active state through a successful demand for dignity. Figure 1 presents a model of this process, developed in a prior study of labor collective action in US agribusiness (Fischer-Daly 2021). The process is modeled from

the perspective of workers, although the process unfolds in interaction with employers, national states, and society.

Figure 1: A Model of Power Building by Workers Confronting Precarious Employment



Source: Fischer-Daly 2021

The model represents the combined and sequential use of power resources by workers starting in a position of precarity and actively pursuing decent work. The dotted lines indicate that each step and progression between them are contingent; the solid line around dignity indicates that its presence makes progress more likely (Figure 1). It suggests that associational power is a necessary first step. Workers must realize their capacity to act as a unified collective before effectively broadening their struggle to include allies in society who coalesce around their demands. Coalitional power helps precarious workers to confront systematic power imbalances vis-à-vis employers, especially employers' capacity to replace workers and to rely on governmental support. Precarious workers' assertion of structural power via strikes and boycotts forges associational and coalitional power, pressures employers and state actors, and tends to be insufficient to gain employer and state recognition of workers' dignity. For institutional power building, workers' emphasis on employers or the state depends on the orientation of state institutions towards labor. Facing antagonistic institutions that increase employers' discretion over

work rules, e.g. exemption from employment regulations, precarious workers typically must seek to build both forms of institutional power.

The model identifies the recognition of dignity as the necessary and insufficient causal mechanism that makes progression towards decent work more likely (Beach and Pederson 2013). While often used and infrequently understood, dignity refers to the psycho-social dynamic in which people mutually recognize each other's capacity to autonomously participate in the production of the laws and norms to which each is subjected; succinctly, "the capacity to assert claims" (Honneth 1995: 10). Starting with parental relationships, humans form identity intersubjectively and continuously, through dignified relationships that reinforce one's participatory capacity and undignified relations that destroy trust in oneself by denying participation in social rules (Honneth 1995). Applying this understanding of dignity to employment relations deepens explanations of worker participation in work rules as a process that develops class consciousness and enables material improvements of working conditions (Marx 1847/1999; Fantasia 1988); Freeman and Medoff 1984; Leary 2003; Barrientos et al. 2011). In a sense, dignity also mirrors alienation. Whereas the pathological dynamic of denying dignity is the basis of the latent conflict in capitalist employment relations – alienation or mind-body separation (Marx 1867/1990; Braverman 1979), the demand for dignity morally underpins struggles for participation in work rules (Thompson 1963; Honneth 1995).

In the process of building bargaining power, recognition of dignity functions as a catalyst for building power resources. Workers' simultaneous ownership of labor power and dependency on employers for their livelihood means that their primary tactic for gaining recognition to participate in work rules, the disruption of the capital accumulation process, risks immediate harm, the loss of wages necessary for basic needs. The more precarious the employment, the more acute

the risk. Both to exercise disruptive tactics, which requires sufficient collective control over the available labor power (Wright 2000), and to mitigate the risks, workers must build associational power. From a common position of exclusion from participation in the rules of work, as well as politics and society generally, workers recognizing each other's dignity strengthens their individual self-confidence and bonds them together, thereby facilitating collective action. In part to mitigate the risks of direct collective action, which are acute for workers facing antagonistic institutions, workers enlist supporters not directly affected by their struggle into a coalition by articulating it in terms of the general human need for dignity. By combining associational and coalitional power, workers in precarious employment can pressure employers and state actors into recognizing their dignity, and thereby gaining participation in setting rules governing their employment.

The power building model was developed through analysis of worker collective action in agribusiness in a prior study (Fischer-Daly 2021). In each case, workers gained recognition of their dignity to build each power resource and apply it in combination with others. With each other, workers articulated the illegitimacy of the current employment relationship and a vision for a legitimate replacement featuring each other's participation in the rules governing it. With each other and potential allies, workers referenced known symbols to clarify their grievance as a violation of the social norm of recognizing human dignity and to identify such recognition as the legitimizing remedy. To gain recognition from employers and state actors, workers and coalition allies contrasted the claims of employers and state actors to be upholding social norms with the denial of workers' dignity. Employers sought to retain managerial discretion over work rules by asserting their own symbolic power, emphasizing their employment and product as social contributions. Due to employers' and state actors' ability to avoid pressure from structurally- and

politically disempowered precarious workers, worker collectives and their coalitions used of symbolic power in combination with disruptions of capital accumulation, e.g. strikes and boycotts, to build institutional power.

The cases studied herein in strawberry production and sales suggest that when workers gained recognition of their human dignity, they built bargaining power with material effects on their employment terms and conditions. In contrast, when demands for dignity were denied outright, workers continued to endure lack of influence over the employment of their labor power. In Washington, workers created FUJ and a collective bargaining relationship with their employer Sakuma Brothers by recognizing each other's collective capacity and exercising their associational power through strikes, building a coalition, a boycott, and legal cases that brought management to the bargaining table. In San Quintín, workers organized a mass strike that induced negotiations with their employer's association and the national state, created the Independent National Democratic Union of Agricultural Day Laborers (*Sindicato Independiente Nacional Democrático de Jornaleros Agrícolas*, SINDJA), and prompted temporary wage increases, yet organized insufficient associational power to counter entangled economic, political, and social forces. Unions in Huelva demonstrated associational power in sectoral negotiations with the employers' association and protests, yet lack of inclusion of temporary and immigrant workers has impeded power building. Through iterations spanning decades, US union leadership and workers at Walmart have struggled to convince Walmart to engage in collective bargaining, reflecting insufficient associational power to scale up pressure. In German food retail, where institutions provide more mechanisms for worker participation in work rules, management has exploited weakened associational power to evade collective bargaining with workers.

Study design: Analysis of bargaining power in strawberry ICNs

This study analyses labor regimes in an international commodity circuit by applying ICN analysis and the dignity-based model of power building to explicate the mobilization of power by management, national states, and labor. Agribusiness is selected to consider an industry in which employment relations are characterized as precarious, and studying the strawberry sector offers the opportunity to study the emergence of an international commodity and recent contestation in key production and sales stages. Data was gathered directly from actors in the sector and secondary sources, between December 2019 and June 2021. Information was analyzed using analytical and illustrative comparisons (Bonnell 1980). This section elaborates the methods used.

Precarious employment is widespread in food production and sales. Starting with production, one-third of workers worldwide labor in agriculture, and most agricultural workers live in poverty, defined conservatively as less than \$1.25 per day by the Food and Agriculture Organization (FAO 2016, 2018). Most agricultural workers endure dangerous conditions (FAO *Ibid*; World Bank 2019). In all three leading exporters of strawberries (Spain, Mexico, and the United States), as the cases presented evince, employers rely on international or domestic immigrant workers who are impeded from accessing adjudication and remediation of harms.

Challenges to profitable agriculture contribute to precarious employment in the industry. Studies of the agrarian question have most directly considered how capitalism incorporates agriculture, for example, how to organize cultivation of strawberry as a profitable internationally-traded commodity.¹⁸ The challenges to capital accumulation in agriculture, prominently detailed by Susan Mann and James Dickinson (1978) derive from the fact that it is “eco-regulatory, meaning nature controls production, circulation, and consumption of products (Benton 1989). Nature schedules production cycles seasonally, extending the time for returns on investment in

time-saving technologies. Between planting and harvesting, much of the capital invested in commercial agriculture lies stagnant as plants mature. Labor power cannot be used constantly without destroying the crop, limiting employers' ability to increase work time. Predicting agricultural yields is limited by natural elements such as weather and pests, increasing the risks of investing capital. Geographically, crop production is limited by conditions conducive to plant growth, such as proximity to water, temperature patterns, and soil composition. In further contrast with the manufacture of non-living products, agribusinesses must arrange for delivery of products to market quickly before they spoil.

Agribusiness has developed by pushing around and against nature's limits. As Karl Kautsky (1988) predicted and recent scholars have observed (IAASTD 2016), the risks to investment in production tend to direct capital to the input (Kloppenbergh 2004), marketing (Guthman 2004), and retail (Dicken 2011) stages of the network. The tendency is evident in strawberry ICN's, in which hundreds of production companies exchange with the few companies that dominate plant varieties, chemicals used in production, marketing, and retail.¹⁹ Agribusiness producers also specialize to limit capital investments, and buyers source from production locations with overlapping harvest seasons to extend sales seasons. The implications for employment relations are significant. The market power on the input and output sides of strawberry production act like a vice constraining the total power available to managers and workers and increases the price elasticity of demand for labor, because production managers cannot pass on higher labor costs to input suppliers or berry buyers. The combination of intense demand for labor during harvests and shortening of employment offerings to harvest seasons, which results from specialization, sets up conflicts over the terms of employment. Workers in principle have high strike leverage, yet historically managers have used political power to suppress labor.

National states are inclined to support agribusiness due to their interests in legitimacy and the ability of agribusiness to contribute to it by providing surplus capital and cheap food facilitating lower labor costs in other industries (McMichael 2013). Indicating such orientation, legal treatment that increases employer discretion in employment is widespread. The Food and Agriculture Organization (FAO) of the United Nations (UN) echoes the ILO in this regard, reporting concluded “agricultural and rural workers tend to be either tacitly or explicitly excluded from pertinent laws,” and, “where agricultural workers are covered by labour legislation or other sectoral laws, applicable labour standards are not often well implemented in practice” (FAO 2018:2). For agricultural labor relations, this means that capitalists have the flexibility to determine work rules unilaterally, and workers lack state support for collective action and access to adjudication. Such unilateral discretion is magnified by the use of immigrant labor, which provides employers the threat of deporting workers, and the racialization of groups of workers, which provides employers the social legitimacy for poor working conditions.

Though through different channels than in production, concentrated capital and state-granted discretion also support the profitability of companies retailing strawberries. Retailers employ an estimated 15% of the world’s workforce, increasingly in low-wage and unstable jobs (Carré and Tilly 2017). Since Walmart began selling food in 1987, diversified and increasingly concentrated retail corporations have come to dominate sales of agribusiness products such as strawberries. As of 2020, ten retailers account for 32% of all retail sales worldwide, and seven of the top ten feature food (Deloitte 2020).²⁰ In the United States, the four-firm concentration ratio for the food and beverage subsector of retail rose from 15.4 in 1992 to 27.7 in 2007, and in 2020 four companies control more than 40% of food retail sales (US Census USDA ERS 2020). Similar, even higher concentration has proceeded in European food retail markets, including in Germany

where five companies account for approximately 62% of sales (Lawrence & Burch 2007). The case of food retail in Germany functions as a shadow case in this study. The focus is on Walmart due its outsize role in establishing a low-cost and low-wage retail model based on significant control over directly and indirectly employed labor throughout the ICNs over which the retailer wields influence and, in certain contexts, direction.

This study of the strawberry international commodity network does not assume that the structure of the food system precisely determines employment relations. As Jane Collins (quoted in McMichael 1995: 120) noted, “the production relations through which global agriculture is organized can neither be deduced from theories of agrarian transition nor from the characteristics of crops and technologies. Production relations are generated out of historically specific social processes in which agribusiness firms seek to acquire and discipline labor in accordance with their needs.” Following Collins, the study engages with the historical behaviors of management, labor, national states, and other social actors in the development of the strawberry sector.

Cases are thus selected in production and sales, where labor is concentrated in the strawberry sector. In production, cases studied cover instances of worker resistance to employment terms offered by strawberry sector companies in the leading exporters Mexico, Spain, and the United States. In sales, cases cover labor collective action at the leading food retailers in the primary destinations of the berries from the cases of production. Most berries produced in Mexico and the United States are sold in the latter country, where Walmart dominates food retail with nearly one-third market share.²¹ Germany is the largest destination for strawberries produced in Spain, and Lidl and Aldi lead with an estimated 40% of the German food retail market (O’Brady 2021). Table 1 summarizes the cases.

Table 1: Summary of case studies of labor regimes in strawberry production & retail sales

Stage	Location	Labor Actions	Outcomes
Production	Skagit, Washington State, USA	Strikes, boycott, & lawsuits	New union (FUJ), collective bargaining, increased remuneration, work rules improvements, workers' cooperative established
Production	San Quintín, Baja California, México	Strike & transportation shutdown	New union (SINDJA), limited increases of wages & social security registration, increased adoption of certifications
Production	Huelva, Andalusia, Spain	Sectoral bargaining, protests, legal complaints	Sectoral wages set below national minimum rate; under-employment, pervasive sexual harassment/assaults
Sales	Walmart, USA	Minority strikes, class-action lawsuits, protests	Limited wage increases, improved parental policies
Sales	Lidl & Aldi, Germany	Strikes against Walmart	Walmart left; minimum wage law enacted; food retailer use of "mini-jobs" expanded

The variation in outcomes to-date provides the opportunity to consider why certain groups of workers have had more success in achieving their demands. At the berry production company Sakuma Brothers in Skagit county, Washington, USA, workers conducted multiple strikes, a boycott, and filed multiple lawsuits between 2013 and 2016, resulting in the organization of the union *Familias Unidas por la Justicia* (FUJ), collective bargaining that raised wages and benefits, established rules governing wage rates, breaks, and leaves, and the organization of the workers' owned cooperative farm *Tierra y Libertad*. In the municipality of San Quintín in the Mexican state of Baja California, workers went on strike and shut down the highway used to export strawberries to US markets in 2015, resulting in limited increases of wages and social-security registration and the state registration of the union *Sindicato Independiente Nacional Democrático de Jornaleros Agrícolas* (SINDJA). In the Spanish province of Huelva, workers have filed sexual-assault charges against managers; the *Sindicato Andaluz de Trabajadores* (SAT) union has led protests; and the *Comisiones Obreras* (CC.OO.) union has negotiated wages below national minimum rates in a

sectoral agreement with the strawberry industry association *Asociación Agraria Jóvenes Agricultores* (ASAJA). Walmart denied workers’ initiatives to unionize for forty years, and since 2010 the non-union entity Organization United for Respect at Walmart (OUR Walmart) has advocated through minority strikes and public relations, contributing to wage increases and improved accommodations for pregnant workers and parents.²² Since union pressure led Walmart to leave Germany in the early 2000s, German retailers have bypassed sectoral agreements and works councils, and used part-time, short-hour contracts known as “mini-jobs” to hire most workers at payrates less than full-time workers (Jaehrling & Méhaut 2013).

Data on these cases was gathered between the Winter of 2018 and Spring of 2021. Field visits were conducted to Washington, for a week in 2018 and two months in 2020, and San Quintín, for two months in 2020. Other fieldwork planned for 2020 and replanned for 2021 was suspended due to travel restrictions during the COVID-19 pandemic. Instead, remote interviews were conducted in 2020 and 2021 with key informants in production in Spain and food retail. Guided by protocols and questionnaires reviewed and exempted for human participant studies by the Institutional Review Board, a total of 154 interviews of workers, unionists, managers, government officials, scholars, and activists were conducted and coded manually. Quotes and other information presented herein are from the interviews unless otherwise cited.

Table 2: Interview count

	Production			Food Retail	
	Mexico	Spain	USA	USA	International
Workers	41	1	57		
Unionists	6	4	5	2	3
Managers	4		2	1	
State officials	3		1		
Academics	6	4	2		
Activists	7	1	4		
Totals	67	10	71	3	3
TOTAL	154				

The analytical method applies historical-sociological comparison to approach mid-range theory (Bonnell 1980), explication of the labor regimes in the contemporary strawberry sector. In each case, patterns of practice by management, labor, national states, and other relevant social actors are identified and interpreted with bargaining power concepts, and labor's activities are considered with the model of dignity-based power building (Figure 1). The patterns are then compared and contrasted between cases, and again considered with the application of the ICN analysis and power-building model to consider their explanatory power.

The study proceeds with analysis of bargaining power in the strawberry sector. The next four chapters present the case studies: the strike by workers in San Quintín, Mexico, the legal-focused resistance of workers in Huelva, Spain, the campaign that achieved collective bargaining by workers in Washington, USA, and the twenty-year labor campaign at Walmart in the United States. Chapter six compares the cases and considers the applicability of ICN analysis and the power-building model. The concluding chapter seven addresses the implications of the study's findings.

Chapter 2: Familias Unidas por la Justicia and Sakuma Brothers

On July 11, 2013, Federico López asked management of Sakuma Brothers to increase the wage rate by three cents per pound of strawberries for him and fellow berry pickers. Management discharged López, instructing him to vacate company housing along with his family. Instead, hundreds of co-workers and their families stopped working, marched to management, and demanded reinstatement of López, the increase of their piece rate, an overtime premium payrate, punch cards instead of a scanner to record the boxes of berries picked, the discharge of a disliked foreman, unpaid sick leave, childcare, and non-intimidatory treatment by management (C2C 2013). Co-owner and manager Ryan Sakuma suggested that the workers form a committee. After initial negotiations stalled, workers deepened their organization. Over the next four years, they conducted wildcat strikes, won lawsuits, implemented a boycott of their employer and its highest profile buyers, gained their employer's recognition of their union Familias Unidas por la Justicia (FUJ), negotiated and renegotiated a collective bargaining agreement, and formed their own farming cooperative, Tierra y Libertad.

The workers' collective action and bargaining improved their working conditions. They won backpay in wage-and-hours cases. Since their first union contract covering the 2017 harvest, the workers enjoy more job security; management complies with the laws; and management must use progressive discipline according to a grievance process that has binding arbitration as its final step. As seasonal workers hand-picking strawberries, blackberries and blueberries, they work 8½ hour days, seven days a week, June until October. During the 2020 season, the company paid \$15-\$18 per hour, depending on the piece-rate that FUJ and management negotiated daily on the basis of test picks. Workers have breaks, accessible toilets and water while working in the summer heat.

Their union manages an account funded by their employer to cover costs of medical care otherwise inaccessible to most of the workers as undocumented residents.

Employment relations have also changed to include worker participation in work rules through their union. During workers' strike and boycott, management sought to replace strikers, hired security guards, barred union activists from company property. First contract negotiations dragged on for eight months. During the first year under the CBA, biweekly grievances all went to arbitration for resolution. Over the subsequent three years, the union and management developed a problem-solving relationship, resolving most issues directly through daily communications. Management began sharing financial data with the union and permitting union access to workers on their property. The union communicated with members when market prices limited wage rates, refraining from strikes while maintaining the contractually established minimums, and its members have supported unionization efforts across their state of Washington.

FUJ and Sakuma developed mutually beneficial collective bargaining despite the antagonistic institutions in which they are embedded. The US federal government refuses to provide protections of collective bargaining rights to agricultural workers, sustaining a policy rooted in racial capitalism.²³ Washington State law offers protection of workers' concerted activity under its little Norris LaGuardia Act (LNLA),²⁴ but at the time of FUJ's formation exempted agribusinesses from overtime regulations and to-date only investigates legal violations of any sort when a worker complains, an action that risks discharge and potentially deportation. While more than half of US agribusiness work is performed by undocumented immigrants, the federal government classifies the workers as illegal for being born in Mexico, denying them work authorization, access to health care, nutrition, housing, and education services, and certain protections under the law.²⁵ Sakuma Brothers is one of many strawberry suppliers whose

managers' decision-making is limited by oligopolistic suppliers and buyers. Indicating their orientation towards collective bargaining, market-leading Driscoll's, said "the underlying issue at Sakuma farms is really the inability of workers to organize themselves into a labor union in the state of Washington," and that their union was not "proper representation" after they formed FUJ (Chef's Collaboration 2016). Sakuma Brothers is also a Japanese-American owned business in 77% white county (USDA ERS 2021),²⁶ where agribusiness associations seek to limit any one company's wage offer. These political and cultural institutions shape employment relations at Sakuma Brothers, and while mitigated by the collective bargaining process established between the company and FUJ, constrain workers' gains. Employment under the collective bargaining agreement (CBA) is four months per year, and wage levels are constrained by commodity network pressures on the company. The workers' creation of a cooperative in fact reflects their vision for more thorough control over their livelihoods.

This chapter analyzes the process of developing collective bargaining at Sakuma Brothers with FUJ, towards an explication of the management and workers' respective bargaining power. The following methodological section explains the sources of data used for this analysis. Thereafter, I analyze management's sources of bargaining power, applying the international commodity network (ICN) approach to consider economic, political, and social forms of power. I then turn to labor's bargaining power, and trace workers' process of organizing their union. The final section draws out the meaning of the observed sources of managerial and labor bargaining power and considers the applicability of the dignity-based model of labor power building.

Learning sources

To analyze how workers built bargaining power, the union Familias Unidas por la Justicia (FUJ), and a collective bargaining relationship with Sakuma Brothers, data was gathered between December 2018 and December 2020. During a first observational visit to Skagit County in Northwestern Washington State, where the company and workers are located, I interviewed several workers and participants in their coalition during a week in the offseason. Over two months during the harvest season of 2020, I conducted a second visit and interviewed 55 workers, a staff person of the Washington Department for Labor and Industry (LNI), and seven coalition participants. To contact workers, I called them using a list of all workers employed for the harvest at Sakuma Brothers in 2020. The president and chief executive officer (CEO) of Sakuma Brothers, Danny Weeden, provided written responses to interview questions. The CEO of Driscoll's, J. Miles Reiter, participated in a telephone interview. Information in this chapter is from the interviews, except where noted by reference to the secondary source. In addition to the insights shared by interviewees, the Labor Archives of Washington at the University of Washington provided a trove of documents and photographs concerning the development of the collective bargaining relationship between FUJ and Sakuma Brothers.

As it indicates their position in social hierarchies that shape their employment relations, the demographic profile of workers interviewed is notable. A total of 552 workers were covered by the FUJ-Sakuma Brothers contract for harvesting berries in 2020, ten percent of whom participated in interviews for this study. Interviewees ranged in age from 16 to 63, and just over half identified as women, the rest men. The vast majority speak two languages – an indigenous language and Spanish, and some additionally speak English. For half, Mixteco, indigenous to lands in southern Mexico, is their first language; for another quarter, it's the indigenous language Triqui,

from the same geographic region. For others, Spanish is their first language. Most of the workers are married and have children, typically two. Eighty-four percent were born in Oaxaca and another seven percent in Guerrero. Most emigrated due to the lack of livelihood opportunities in their home communities, on average at age seventeen, without national-state permission. A third have no formal education, and those with some were able to attend school for six years on average. The workers have lived in the United States for 13 years on average, and 80% of them live year-round in Skagit county, where Sakuma Brothers is located. As one worker explained, “No one travels to Mexico due to border issues. Coming back is too much. Sometimes it’s not even worth it. Back in 1980 my dad used to cross the border every year, work here in the US, then just go back. Now it’s no longer the case. You can’t do that.”²⁷ They have worked at Sakuma Brothers for eight seasons, on average, some as many as 19 seasons.

Management’s sources of bargaining power in the North American strawberry ICN: the case of Sakuma Brothers Farms, Inc.

The history of Sakuma Brothers Farms, Inc. reflects much of the development of the strawberry international commodity network in the United States and thus management’s sources of bargaining power at a production node. Sakuma Brothers is a production company purchasing from oligopolistic suppliers and selling to oligopsonistic buyers. While this structural position limits profitability, the company relied on a supply of immigrant labor to extract sufficient value from the production process to remain competitive over the last eight decades. As changes in US immigration policy effectively ended the ability of its workforce to migrate across the US-Mexico border, particularly in the 2010s, workers’ residency in same community as the company created opportunities for workers to shift the balance of political power in their favor. After a three-year

union resistance campaign, the company adapted to a collective bargaining relationship with the workers' union FUJ. This section identifies the company's sources of bargaining power.

Understanding Sakuma Brothers' bargaining power starts with national state facilitation of the company's land ownership. Sakuma Brothers owns 1,000 acres of land in Skagit County, Washington, between highway 5 and the Puget Sound's San Juan islands, nearly equidistant between Seattle and Vancouver. The land was brought under the capitalist property regime by the US government, which displaced the indigenous communities living there – the Clallam, Lummi, Samish, Semiahmo, Skagit, Snohomish, Snoqualmie, Swinomish, and Upper Skagit – and granted access to it to settlers under the Homestead Act of 1862.²⁸ Further indicating the historically constructed racialized social order in which the company is embedded, the Washington State government initially ensured new land owners would not include the large Japanese immigrant population with the Alien Land Laws established in its constitution in 1889 and reinforced in 1921. When Takeo Sakuma began farming around 1915, he rented land, because the US Naturalization Act of 1870 prohibited immigrants from Japan from owning land. The second generation purchased the land that has since been owned and expanded by the Sakuma Brothers company in 1935. During World War II, multiple Sakuma family members fought for the US military while the US government incarcerated the rest of the family in “internment camps.” Demonstrating interactions of race and class in the local community, a neighboring landowner held and returned the land to the Sakuma's following the war. Over time, the white settler business community embraced the company. The *Bellingham Herald* vouched for its reputation in 2015, “Sakuma Bros. has been a valued member of the Skagit Valley community since 1935, and has been run by four generations of the Sakuma family.” When workers initially launched their boycott in 2013, several

local businesses expressed support for the company, indicating its capacity to avoid workers' pressure based on class-based coalitional power.

Land ownership also carries equivocal financial implications for the strawberry production company. As Julie Guthman (2004, 2019) has observed, many strawberry production companies lease land so as to rotate off of soils deteriorated by monoculture and chemical-intensive practices, and the increased purchase of lands as financial investments has driven up land values. Sakuma Brothers produced strawberries on 120 acres, 12% of its land in 2020, according to management. While growing other berries, the low ratio nevertheless suggests that the company rotates production to sustain soil fertility. Financially, land ownership provides a reprieve from rent and source of financial capital accumulation, given increasing prices of lands for strawberry production, but also limiting the company's mobility. While selling its land presents the company with a means to reinvest its capital elsewhere to avoid a union and attendant lower profitability, its established presence has provided community support.

In terms of its exchange relations with suppliers and buyers, Sakuma Brothers is similar to other strawberry production companies, squeezed between concentrated markets. The company's suppliers of inputs for strawberry production are multinational companies with dominant market shares in their respective sectors. The chemicals used to fumigate, fertilize and control 'pests' in the strawberry fields are manufactured and marketed by a few large, multinational corporations.²⁹ Strategically, Sakuma Brothers maintained control over the costs of plants used for decades. In 1948 two of the brothers took over management of Norcal Nursery in California. In addition to providing control over pricing of strawberry plants, with the nursery, Sakuma Brothers secured another source of revenue by patenting two strawberry plant varieties, SS484 and Burlington, from the late 1980s through mid-2000s (USPTO 2020). However, varietal production has become

increasingly competitive among fewer multinational companies, and Sakuma Brothers sold Norcal to Plantas de Navarra S.A. (PLANASA) in 2017. Only Driscoll's and the Regents of the University of California own more strawberry plant patents than PLANASA; together with Plant Sciences, Inc., the four companies own 56% of the patents (USPTO 2020). As Sakuma Brothers' CEO reported in written correspondence, "Consolidation has reduced the ability to comparison shop with respect to pricing and services. The large, consolidated suppliers have additional resources that make it more convenient and efficient for operations, but comes at increasingly higher costs."

Sakuma Brothers is also a price taker from its buyers. Like most strawberry production companies, Sakuma Brothers sells the bulk of its strawberries to other companies. It has adapted its sales strategy as competition has increased. In 1990 Sakuma Brothers opened a fruit packhouse, later equipped with Individual Quality Frozen technology, with which it processes its own berries and those sold by nearby production companies for sales. As the company's CEO remarked in written correspondence, it is "a major investment that is a competitive advantage to our company that must be efficiently managed and continually improved to achieve sustainable growth for our future." The numbers corroborate the CEO's point. In 2019 processed fruit sales represented 65% of \$17 million total sales.³⁰ Competition from "low-cost imports," by which the company's CEO referred to strawberries produced in Mexico, led Sakuma Brothers to sell all of its strawberries "to process markets and not the fresh market" as of 2020. The workers at the company understand that the company sells its strawberries to Häagen-Dazs and Yoplait, while Driscoll's purchases and markets most of its other berries (blueberries, blackberries, and raspberries). Indicating price elastic demand for the final product and a constraint on total power, Sakuma's CEO reported, "Consolidation of [the] customer base reduces opportunities to pass along cost increases."

Concentrated capital in inputs and food retail reflect what early observers of capitalist agriculture predicted (Kautsky 1898/1988) and contemporary observers are documenting (Russi 2013) – capital avoids the risk-intensive crop production. It also indicates the price elasticity of demand for labor, so long as it has access to replaceable workers. In other words, with little control over price of inputs or sales, Sakuma Brothers is in the same position of strawberry production companies observed by Miriam Wells (1996: 44-52) decades ago; “[m]ost critical and problematic for their continued capital accumulation is their need to control the price and performance of harvest labor.”

Sakuma Brothers has filled its demand for harvest labor at a price supporting profitability with immigrant labor. In total, the company employs 58 people permanently, and hires approximately 500 workers for harvesting between June and October. The company’s CEO reiterated Well’s point on the importance of harvest labor in written correspondence:

“Labor is a major concern for the Company because all of its crops are labor intensive and there is no mechanized harvesting ability, except for some ability in blueberries. The cause of the shortage of seasonal workers is multi-faceted. The labor pool is growing older and being replaced at a slower rate by a younger generation. For the past many years we continue to experience a reduction of migrant workers from California. When asked the reason for not returning, former employees have expressed a fear of being stopped by ICE while en route from California to Washington. Recent studies have shown that less Mexican nationals are immigrating to the US because of a rising middle class and more job opportunities in Mexico. H2A and other foreign worker programs have been difficult and costly to implement as an effort to replace the declining domestic workforce.”

As indicated by the CEO’s comments, while mechanical blueberry harvesting is common, human labor power has to-date been cheaper and faster than available machines to harvest strawberries.³¹ US and Mexican governments’ policies and the racialized subordination of indigenous peoples have ensured the supply of cheap labor.

Like other agribusiness production companies in the United States, Sakuma Brothers has long relied on immigrant labor, which implies the externalization of the renewal of their labor power to their home communities (Burawoy 1976). The vast majority of workers who harvest the company's strawberries are undocumented immigrants, meaning that US immigration laws eliminate their ability to make rights claims without the risk of deportation and loss of their source of income. The status also reduces options for obtaining income to those companies that expect no enforcement of regulations against employment of undocumented workers based on their political power. However, the supply of such disempowered labor needs to be sufficient and renewed, conditions partially fulfilled by US immigration policy, the Mexican state's development policy and the construction of a reductionist identity of certain indigenous peoples as field labor.

The majority of strawberry harvest workers at Sakuma Brothers have familial roots in the southern Mexican states of Oaxaca and Guerrero. In interviews, two-thirds of workers interviewed said that they migrated to the USA due to the lack of livelihood opportunities in their homelands of southern Mexico. They are among the millions of peasants displaced through the privatization of land and water and shift of subsidies from small producers to export agribusinesses by the Mexican government in the late 1980s and early 1990s (Zlalniski 2019; Weisbrot et al. 2014). The Mexican government's debt crisis, attendant need for foreign exchange, and implementation of structural adjustment policies under International Monetary Fund (IMF) loan conditions explain these neoliberal policies on a macroeconomic level (Llambi 1994; Zlalniski 2011). However, the recruitment of the majority of the displaced peoples specifically into agribusiness production can only be understood by the racialized construction of the socio-economic role assigned to them.

The construction of the field worker identity imposed on indigenous peoples of southern Mexico involves much deconstruction, only a sense of which is conveyed here by reference to four

moments. European colonists annihilated most of the indigenous people, then placed survivors in planned settlements (Kearney 1988). The post-colonial Mexican state then constructed a national mestizo identity, a process of integration and nation-building that marginalized indigenous peoples (Barabas y Bartolomé 1999; Cardoso de Oliveira 1992; Solís Robleda 2003; Bracamonte y Sosa 2003). The Mexican Revolution formally established democratic governance, granted usufruct land rights to some peasants with the *ejido* system, and also establishing the corporatist system of state control over wage labor (Bensusán 2020). As part of its neoliberalization, the Mexican government privatized land in 1991 with the reform of Article 27 of its constitution, and the president declared “there will be employment in the fields and this means more salaried work...the moment has arrived to recognize this situation and to promote the unionization of agricultural day laborers, to ensure that the labor relation will be one of just treatment” (Lara Flores 1996). Yet the same government denied agricultural workers coverage under the national social security system and supported the proliferation of protectionist contracts – agreements between ‘unions’ and companies that prevent independent worker unionization and collective action (Velasco et al. 2014: 195-202; Bensusán et al. 2007).³² This contemporary period is marked by an adaption of colonial and post-colonial subordination of indigenous peoples to fit the labor demand of agribusiness. Substituting their diverse historical experiences, the state, employers, and to a degree some of the newly proletarianized workers themselves co-created an idealized identity of the docile worker capable of enduring strenuous fieldwork and disinterested in the modern conveniences afforded only by sufficient wages (Martínez Novo 2004). At Sakuma Brothers and agribusinesses throughout North America, the reification of this identity combines with the Mexican state’s displacement of peasants and US immigration policy to limit the economic opportunities of

displaced peoples primarily to agribusiness. It implies a replaceable supply of labor for agribusiness, with certain limitations.

The effective end of migration by workers marked the beginning of change in employment relations at Sakuma Brothers. In the 1990s and 2000s, Sakuma Brothers employed workers for the harvest season, provided rough shacks for housing,³³ and enjoyed the benefit of paying enough for workers to reproduce their labor power in the offseason in Mexico, where living costs and average unit labor costs are fractions of US levels.³⁴ As the US government adjusted its immigration policy, its closure of much of the border with Mexico and intensification of deportations and detentions of immigrants increased the risks of crossing the border. Increasingly, workers stayed in Skagit county after Sakuma's berry harvest, increasing their interactions with each other and the community in the company's environs. Unsurprisingly, given their financial dependence on minimal labor costs, Sakuma Brothers continued to seek immigrant labor. The company stated in (Sakuma 2013), "Our want is simple: to have a stable, legal, and cost effective work force to harvest our crops. The Requirements are clear and our analysis over the past 10 years has concluded the seasonal labor pool is shrinking. Immigration reform and having an executable Guest Worker program could fix this problem." The workers had another idea of fixing employment at the company, a process to which we now turn.

[Building power through the process of human dignity: 2013-2016](#)

The projects of displacement, immigration control, and construction of the idealized field worker affected millions throughout North America. The five hundred or so workers who unionized and now negotiate work rules with Sakuma Brothers broke through limits imposed on them. With less than two percent union density in US agribusiness, the formation of Familias

Unidas por la Justicia (FUJ) and its collective bargaining relationship with Sakuma Brothers is an anomaly. As presented in this section, I argue that the workers gained recognition of their capacity to participate in the rules to which they are subjected as field workers by gaining recognition of their dignity, first and most crucially to build associational power, then to build a coalition that helped the workers persuade management some state actors to recognize their dignity, through collective bargaining and the application of laws.

Prior to the 2013 strike, workers at Sakuma had gone on strike but lacked the bargaining power to sustain any improvements made. In 2004, the company lowered the piece rate and fired workers for not picking enough, and workers walked out of the fields. Management met with a group of workers and agreed to increase the piece rate and provide paid lunchbreaks, and then took away both concessions the following season (Holmes 2013: 177-180). Two years later, company management asked Rosalinda Guillen, founder of the local organization Community to Community (C2C), to help reach an agreement with striking workers, as opposed to negotiating with the workers. Guillen had helped workers unionize and win a CBA at Chateau St. Michel in eastern Washington in the 1990s, led United Farm Workers (UFW) union and political campaigns for twenty years, and started C2C to support agricultural workers and develop an economy modeled on the cooperative system of the Landless Peoples Movement (MST) of Brazil.³⁵ While management may not have fully appreciated her potential influence, one of the workers rejected her involvement and offered himself as a liaison to management, which placed him on a management-worker committee that prevented strikes for several years. Guillen recalled the stunted process, “if farmworkers call, we’re going to go, we’re going to go. That’s what we do. We’re going to go, but we don’t provide social services, we don’t do like, this little mediation and

then leave the structure the way it is; we're going to...really what it is, as an organizer, I'm going to see if there's leadership there that's willing to lead, to create a change.”

When workers struck in 2013, their praxis changed. Hundreds of them marched to management's office, along with their families. One of the workers who resided year-round in the area had met Guillen, and the workers called her for support. As FUJ's president Ramón Torres recalled, Guillen informed the workers that they would need to decide what they wanted, and she could offer suggestions on how to realize their goals. Edgar Franks, FUJ's political director, said, “Rosalinda instills confidence. The lawyers pointed out the law doesn't protect the undocumented workers; the labor law doesn't protect their freedom of association as agricultural workers.” Guillen was recognizing the workers' dignity, and the workers responded by seeking more than a short-term change. As Torres described in a 2016 interview, “People are tired of low pay, but that's not all of it...People feel humiliated, and denied basic respect” (Bacon 2016). Guillen and C2C began to provide the workers with information on the UFW and the US industrial relations system, and the workers began to develop their own identity as a collective of people with power, in contrast to the reductionist identity imposed on them as mere inputs to agribusiness.

Following the initial strike, workers began a collective project, a process of building associational power by recognizing each other's capacity to participate in the rules to which they are subjected. As Torres recalled, “[r]ight away, democratic was the focus immediately, even though they didn't think of it conceptually, just that everyone needed to participate in decisions – majority or nothing. We didn't know anything about unions then.” Many of the workers had participated in the processes of electing “traditional authorities,” governance structures common to their heritage communities. Community members vote by hand for the traditional authorities, who are tasked with leading deliberations to plan and attend to infrastructure needs and settle

disputes. The workers adapted the practice to their project at Sakuma Brothers, electing Torres as president and Filemon Pineda vice president of their committee. Although one of few mestizo workers, the predominantly indigenous workers elected Torres because, “he spoke honestly;” “there had been at least two to three incidents prior to the strike where Ramón almost got into a fist fight with the supervisor for yelling and screaming at a woman;” and he understood some English. They named the committee Familias Unidas por la Justicia, reflecting their goal of recognition of their human dignity, as more than “vessels of labor power” (Mitchell 2012). When the first agreement that FUJ reached with management broke down, the workers continued to build their associational power.

The FUJ committee began to convene daily meetings at the company housing camp nearest the office where workers pick up their checks, to engage as many workers as possible. They went door to door to invite fellow workers and facilitated multilingual meetings. Hundreds participated in the meetings, recalled many workers in interviews. One of them, who was thirteen years old at the time, explained the participatory approach: “I speak Mixteco, so I communicated a lot with people who speak Mixteco. There’s also a person who speaks Triqui and communicated with the people who speak Triqui. And my job was to listen to what they had to say and translate to the committee, or the president, or someone who’s taking down the notes, to make sure that everyone was able to speak.” Even on legal strategy, the participatory practice was used. The labor lawyer who led negotiations for FUJ’s first contract with Sakuma Brothers in 2017 reported, “Every meeting was multi-lingual – Mixteco, Triqui, Zapoteco, Spanish, English – often with children of workers translating.” Through engagement of each other across their respective languages to develop their collective, the workers were recognizing each other’s dignity.

The workers' associational power building proceeded, but not automatically. The social hierarchies in which the workers were embedded needed to be deconstructed, and they needed to create alternative, legitimate relations with each other. Guillen recalled a key breakthrough early on in the workers' organizing process. Just after being elected to the FUJ committee, Torres showed up to facilitate a meeting wearing a t-shirt with a beer advertisement featuring a sexualized image of a woman. Guillen told him to take it off. He refused, saying, "I'm not going to let somebody tell me what to wear," to which she replied, "you mean you're not going to let a woman tell you what to wear?" Torres relented, changed, and proceeded to facilitate the meeting. Afterwards, he told Guillen, "I'm sorry I got mad, because you were right, and I'll never do that again." She reminded him that she knew he would not, reaffirming her confidence in him. Five years later, FUJ helped packhouse workers organize in another part of the state, and Torres lamented to Guillen that the workers elected a male president of their union committee. She reminded him, "you have to educate, form the political consciousness at the level that will be fundamental and solid. You can't force it on them based on political correctness, or the external perception of who the workers are." Denied choice over their livelihoods by exclusion from Mexico's development policy, denied recognition under the law by the US government, and denied participation in work rules by a unilateralist management, the workers were creating a new basis for their participation in the world. In Guillen's assessment, "they don't have that governance and democracy anywhere else in their community. They're poor. They're brown. But within themselves they're building this internal process that is giving them dignity and respect for each other and is now building dignity and respect from the external community around them."

The first collective actions taken by FUJ elicited strong resistance from Sakuma Brothers. After their initial strike in 2013, the workers conducted intermittent strikes, lasting from hours to

six days, demanding reinstatement of discharged peers and pay increases. At the end of the 2013 season, hundreds of workers marched to management's offices to demand the reinstatement of Torres, after management discharged him. In response to workers' collective actions, management hired a security firm that began surveilling workers in their housing camps and controlling entry and exit, hired consultants to halt the workers unionization drive, and began photographing workers engaged in strikes and publicly smearing their committee leaders. Management also sought to replace the mostly undocumented workers by applying for labor through the H-2A program. In response, 490 workers blocked the move by submitting statements of their availability for work to the Department of Labor, which oversees the visas, and the company withdrew its petition.³⁶ At the entrances to the company housing camps, management posted signs, "Private Property. No Trespassing. All Visitors report to Office. Washington Farm Bureau." Indicating Sakuma Brothers support from the industry, the Washington Farm Bureau also launched a "I [heart] berries" campaign, and its members encircled workers with their tractors outside courts during hearings of charges filed by the union, as a lawyer representing the union recalled. While managements' responses informed FUJ that strikes would be insufficient, the workers were forging their associational power through the strikes and multiple collective actions. With growing associational power, FUJ shifted pressure tactics, based on studies of the UFW grape boycotts.

FUJ shifted from strikes to a boycott, adapting the strategy pioneered by the UFW when it recognized US agribusiness workers' low strike leverage in the 1960s. Between 2013 and 2016, FUJ organized forty boycott committees, extending the union's leverage across the commodity network. Seven grocery stores pulled Sakuma, Driscoll's, and Häagen Dazs products off their shelves. Echoes of UFW campaigns reverberated through FUJ's boycott actions, where the slogan "Sí se puede" (Yes we can) were often accompanied the Aztec eagle. While the boycott began

focused on Sakuma's, FUJ broadened to Driscoll's after a union provided research findings that the berry marketer was then planning a major advertising campaign to further differentiate their product in US markets. At that juncture, Driscoll's brand became a vulnerability, which FUJ leveraged to pressure the marketer to encourage their employer to negotiate, with apparent success. In the assessment of Driscoll's CEO, "we were pretty instrumental in working with Sakuma to do a voluntary [union] election... Would they not if we didn't encourage it, I don't know."

FUJ adapted not only the tactics but also symbols of other labor and social movements. Archived photos from 2013-2016 show the workers meeting over meals at the company housing camps, much the way the UFW began its union drive. The photos and archived planning documents also show the marches organized by FUJ, which drew on both the UFW history and that of the US Civil Rights movement. For their logo, FUJ adapted the image of a worker holding a fist in air from the imagery used by the sanitation workers during their 1968 strike, elevated by Dr. Martin Luther King's solidarity visit, the day before his assassination. FUJ placards displayed in marches and their housing camps read "I am human," adapting the sanitation workers' slogan "I am a man" because, as one worker explained in an interview, "these growers don't see us workers as human beings." This use of symbolic power served a double purpose for FUJ. Through their creation of public expressions, they developed their own collective identity, a shared recognition of dignity. The symbology also helped make their campaign legible to a range of allies.

Unions welcomed FUJ into the labor movement and provided support. The Washington State Labor Council passed a resolution supporting FUJ's boycott and recognizing FUJ as a union, thereby affiliating it with the AFL-CIO. The AFL-CIO Executive Vice President Tefere Gebre visited FUJ during its struggle for recognition by Sakuma Brothers. The International Longshore and Warehouse Union (ILWU) provided the research on Driscoll's advertising plans, refused to

load Driscoll's berries in support of the boycott, and led boycott rallies outside food retailers along the Pacific coast. The Service Employees International Union (SEIU) local 6 publicly endorsed FUJ's demands and its boycott. Local unions of the United Food and Commercial Workers (UFCW) and United Steel Workers (USW) provided financial support. Members of each of these unions joined FUJ at its pickets. FUJ members reciprocated, joining picket lines of teachers and steelworkers and articulating the Fight for \$15 demands for higher wages and union representation as their own and a position to take in support of other workers. In addition to its AFL-CIO affiliation, FUJ joined the Food Chain Workers Alliance of union and labor movement organizations.

Social movements also joined FUJ's coalition. C2C arranged meetings with the MST, with whom FUJ exchanged ideas about reciprocal production and exchange relations. Out of their interactions, FUJ members launched the Tierra y Libertad (Land and Liberty) cooperative project. In its first five years, Tierra y Libertad obtained sixty acres of land through a state development grant and was selling sufficient fresh berries to local businesses to generate a surplus for further development. C2C, the American Immigration Rights Project Washington Chapter, and the Northwest Immigration Rights Project organized a first-responders network to protect immigrant workers from workplace raids and advocated to keep federal immigration enforcement away from FUJ members. In 2013, the groups filed a civil rights complaint against local cities to prevent their collaboration with federal Customs and Border Patrol (CBP). As FUJ gained public recognition, it joined in the political advocacy efforts. Together, the union and NGOs helped to pass a statewide sanctuary law, prohibiting state and local police, jails, and schools from collaborating with Immigration and Customs Enforcement (ICE) and CBP.³⁷ While the unions added muscle to FUJ's

boycott and the NGOs pushed back against immigration authorities, labor lawyers pressed the legal duty of Sakuma Brothers to respect freedom of association.

With astute labor lawyers supporting them, FUJ gained judicial support for their collective bargaining demand. The legal strategy began with a case to force compliance with state laws requiring paid breaks. FUJ's lawyers helped the union win a \$850,000 settlement and backpay for unpaid rest breaks required under state law, the largest farmworker wage-and-hour settlement on record in Washington (Cornwell 2014). In subsequent cases, the lawyers rested FUJ's case on the LNLA of Washington State, which exists in several states and protects workers' freedom of association and rights to concerted activity for the purpose of collective bargaining. Under the LNLA, FUJ's lawyers filed cases and state and county judges enjoined Sakuma Brothers from placing security personnel at the workers camps, denying housing and work to participants in strikes, and imposing a lower wage rate.³⁸ The courts also ordered the company to refrain from investigating FUJ's internal affairs, to remove language from its employment application requiring workers to never engage in activity that could be contrary to the company's interests, and to remove restrictions on visitors to workers at the company housing camp.³⁹ In 2017, the court ordered a Sakuma Brothers manager to convene workers and read specified language informing them that he had lied about the respective actions and positions of the union and company regarding the pay rate, and then ordered Sakuma Brothers to commit to contract arbitration.⁴⁰ As one of the FUJ lawyers noted, the union won every single case before three different judges, increasing members' perception of its effectiveness, and further pressuring their employer into collective bargaining. As one of the lawyers supporting FUJ described it, "I look at the legal work...as air war for a ground game. We're not decisive, but we help. The Act gave that cover. If

people were intimidated by goons and a judge found that behavior against the Act, they enjoined against it and acknowledged the righteousness of the workers' struggle in public.”

After three years of campaigning, FUJ and Sakuma Brothers reached an agreement on a union recognition election. An FUJ lawyer explained that the union was confident in winning an election while Sakuma Brothers management seemed to miscalculate workers' support for the union. Management may have begun adjusting strategy from firm resistance towards acquiescence, after workers blocked their replacement, Driscoll's sought resolution to avoid a tarnished brand, and courts held in workers' favor. As a result, the union lawyers proposed and management agreed to language in the election agreement that ensured a first collective bargaining agreement by requiring the parties to reach an agreement within 115 days after the election or submit their contract proposals to an arbitrator who is limited to awarding one or the other proposal (FUJ and Sakuma Brothers 2016).⁴¹ The election agreement set the bargaining unit to “seasonal harvest employees picking berries”, excluding workers employed for mechanical blueberry picking, field maintenance work, apple harvesting, and processing (*Ibid*). Management and the union agreed on former National Labor Relations Board (NLRB) Regional Director Richard Ahearn to oversee a secret ballot election to choose “representation by FUJ or no representation,” a joint meeting to explain the election to workers facilitated by the NGO Fair World Project, and neutrality – FUJ would halt all “economic actions” including strikes and the boycott, and Sakuma Brothers would not oppose unionization or retaliate against workers' supporting unionization (*Ibid*).

On September 12, 2016, workers voted for FUJ representation at Sakuma Brothers Inc. Seventy-seven percent voted for union representation (Bacon 2016). Indicating their ongoing union resistance, Sakuma Brothers prohibited the FUJ president from company property, so the election occurred at a school parking lot nearby. John McKoy, the only Native American member

of the Washington State Senate, observed. As an FUJ lawyer reflected, “In a way, [it was] poetic, at a school where workers’ children go and [ballot counting] in the back of John McKoy’s pickup truck.” Having prepared a complete draft contract through their studies of other union contracts in US agribusiness, FUJ and its lead negotiator presented their proposal to Sakuma Brothers at their first negotiations meeting. FUJ’s negotiator had worked for the NLRB, American Civil Liberties Union, Washington Public Education Association, and American Federation of State, County and Municipal Employees. Sakuma had hired a law firm from St. Louis known for union avoidance strategies. After eight months of the company’s negotiators refusing to negotiate economic issues, FUJ initiated the arbitration process, and the parties signed their first collective bargaining agreement (CBA) on June 16, 2017.

The contract did not immediately mean FUJ and Sakuma Brothers mutually recognized each other’s capacity to participate in work rules. The first season under a CBA tested that possibility. During the 2017 harvest, FUJ filed grievances biweekly, all of which went to an arbitrator for resolution at the end of the season. While management realized that the union would hold them to the contract, FUJ realized that it would need to resolve workers’ concerns quicker. Following arbitration facilitated by the Federal Mediation and Conciliation Service, which decided cases favoring both the union and management, the company replaced its legal representative, and FUJ and Sakuma Brothers began to develop a new relationship.

During three seasons since, there was only one formal grievance, it was resolved without arbitration, and representatives for the union and company began almost daily communication to resolve issues. FUJ and Sakuma Brothers renegotiated the entire contract in 2019 and negotiated an economic reopener in 2020 due to a low yield the prior season. Regarding the company’s early union resistance position, the union’s grievance representative said in 2020, “there’s no indication

that they're making efforts...in the past, the anti-union folks have only made it more difficult.”. He added, “It’s not always easy stuff to resolve, but we spend a significant amount of time, a lot of time, to resolve issues...We’ve really been able to find some resolutions.” Regarding the company’s position, the CEO reported in written correspondence, “The Company now works with the Union in establishing wages and working through disciplinary processes.”

Regarding their experience, workers represented by FUJ point to higher wages, more respectful treatment, and control over working conditions as the main benefits of collective bargaining with Sakuma Brothers. Table 3 presents some of their comments, shared during interviews with ten percent of the bargaining unit.

Table 3: FUJ rank-and-file members’ comments on the effects of union representation

Wages	<p>“The difference is that before they just paid us what they wanted, but now that there’s the union, they respond to the people.”</p> <p>“Yes, I think it’s fair. Now, under the contract, we make more than we made prior to the contract.”</p> <p>“It matters, because they pay more for the berries, and they give us break – before we didn’t have these things.”</p>
Treatment	<p>“Before Sakuma wasn’t right with the people, and the union came in with the strike, and with this the situation calmed...if one day your check is missing a pound or so, you have to talk to the union, and they take care of it.”</p> <p>“They don’t nag people; before they threatened people that they were going to fire them, but not now.”</p>
Control	<p>“Yes, we participated [in the strike]...everyone participated...because it was disorganized...now it’s under more control.”</p> <p>“Before, they told you that you weren’t working fast enough, or picking enough pounds, and didn’t let you take breaks. Now no.”</p> <p>“If I say something about the work, they used to just fire me. And now if I have a complaint, they can’t just fire me. I can go to the union. That’s a really big thing for the workers here, because we all need to work.”</p>

Source: Interviews by the author, 2020.

The workers' description of the mechanics of the union also pointed to the development of their collective identity, their associational power. In their second year under the CBA, workers voted to establish a type of 'union shop.' Workers choosing to be FUJ members pay 2.5% of their wages, and non-members pay 2.25% in agency fees. In 2020, twenty percent paid dues, and the rest agency fees; a share that, according to interviewed workers, reflects the persistent challenge of raising wages at the price-taking company and low wages in the non-union jobs available to workers during the seven-month offseason. In addition to an elected president, vice president, and committee, FUJ has a staff lawyer who leads dispute resolution with the company, a political action organizer, and two member organizers. All worked in the fields except for the lawyer. The president and vice president convene meetings every other week and lead an orientation for all workers at the beginning of the season, where they pass out booklets with the CBA. The member organizers speak Mixteco and Triqui, respectively, and visit workers at Sakuma Brothers most days. The dues and agency fees cover the elected leaders' expenditures, and salaries for staff, which are indexed to the field workers' pay rates, \$2,600 per month in 2020.

Dignity in the formation of collective bargaining between FUJ and Sakuma Brothers

The question asked in this chapter is why a group of strawberry production workers succeeded in establishing collective bargaining and, through it, improving their working conditions. Certain conditions affected the balance of bargaining power between the company and workers. One condition was the workers' increased settlement in the community where the company is located, which changed the character of the labor force from migrant to resident and increased workers interactions with each other and community members, some of whom became allies. Another was the prior establishment of protections of employees' concerted activity under

the LNLA of Washington State. While important, if these conditions were decisive, similar outcomes would have emerged throughout US agribusiness production companies. The changes to immigration enforcement and thus migratory patterns have contributed to millions of workers settling instead of migrating seasonally,⁴² and nineteen states, accounting for the bulk of US agribusiness production, have LNLAs.⁴³ The outcome of collective bargaining then, must be understood in terms of the actions taken by the actors involved, primarily the workers who formed FUJ and managers at Sakuma Brothers.

While bargaining power favored management, it shifted with changes in the strawberry international commodity network, including transition from migrant to resident labor. For decades, workers at Sakuma Brothers faced a highly price elastic demand for their labor. Labor remains a high portion of strawberry production costs, given the lack of efficient mechanical harvesting options as are available for blueberries and other crops. As a production node in a strawberry international commodity network, the company faced price elastic demand for its product, likely increasingly since the 1990s as concentration of market power among potential buyers accelerated apace.⁴⁴ Similarly, the price elasticity of input supplies increased, as market consolidation in agrochemicals continued and concentration accelerated in the strawberry plant industry – notably indicated by Sakuma Brothers’ sale of the Norcal nursery to Spain-based PLANASA in 2017. These patterns of concentration of capital in the strawberry ICNs non-production nodes not only corroborate the pattern of agribusiness development predicted in agrarian studies (Kautsky 1898/1988), as Wells (1996) emphasized, they intensify production managers’ interest in controlling labor costs.

For many years, Sakuma Brothers could replace workers from the surplus labor supply created by the Mexican government’s enclosures of peasant livelihoods in the 1980s and 1990s,

the lack of wage-earning opportunities available to the new proletariat in Mexico, and the limited employment available in the United States to immigrants. Further swelling the available labor pool, the conflation of ethnicity and class into a single identity of indigenous manual labor whose primary skillset is the endurance of physical strain served to further limit employment offers to members of this pool. From its swollen numbers, Sakuma Brothers needed to recruit 500-700 for its summertime berry harvests.

Meanwhile, workers' strike leverage was limited and meaningful. Sakuma Brothers did not have alternative production sites, and while its processing allows for some sales in the event of a harvest strike, most of the fruit it processes comes from its own fields. The company's land represents both an asset, with which it avoids rent, can leverage for financing, and could sell, as well as an anchor, requiring the company to invest in sustaining its fields' fertility. A strike during the harvest certainly disrupts the company's capital accumulation process – indicating workplace structural power (Silver 2003), but the workers had limited resources to sustain a strike. As the first or second generation of peoples displaced from peasant livelihoods with seasonal wage labor as their primary available employment, workers had few alternative income sources. One of the workers explained that US agribusiness employment does provide for savings, “I've worked here many years in the United States, and we never have a fixed job for the year. We work two, three months for a company and go to another, and there are places that pay \$10 per hour, well, and that pay the minimum, and when it's piece rate we get a bit more, but it's different, because what we earn, we spend, okay. The idea is to save money, but here no.” If the workers were to compel management into collective bargaining, they would need associational power.

Recent labor studies have emphasized the importance of associational power, because workers face relatively constant economic and political structures at a particular conjuncture. Thus,

they have to develop associational power, the strength of which is indicated by the ability to ensure cooperation by their own members and by management, and is likely stronger when management perceives a benefit to cooperation, i.e. a positive class compromise (Wright 2000). In the absence of a perceived benefit, management may pursue a spatial fix, e.g. relocating, or institutional fix, e.g. firing organized workers and hiring replacements. As Chris Rhomberg and Steven Lopez (2021) argue, any economic, political or social forms of power that might be available to workers as leverage to change their employment relations depends on associational power, “the ability of workers to act collectively”. As Erik Olin Wright (2000: 985) notes, associational power has two components, organization and solidarity. Given the myriad forms through which action is organized, understanding solidarity is fundamental to understanding associational power, and thus potential for change in employment relations. In their study, Doellgast, Lillie, and Pulignano (2018) identify solidarity as the driver of virtuous cycles of employment relations, and its absence what turns employment relations in vicious cycles of precariousness. In their model, solidarity is indicated by collectivist forms of worker identity that extend across divisions of labor, union support for all workers, employer cooperation with labor, and comprehensive state labor regulation and welfare provision (Doellgast et al. 2018).

At Sakuma Brothers, workers would not have been able to unionize and establish collective bargaining without associational power. The workers’ process of unionizing as FUJ, establishing collective bargaining at Sakuma Brothers, and creating their own cooperative align with much of extant labor power theory. The workers had no immediate path to restructure the strawberry ICN, for example to distribute more capital to production or to establish state policies that would increase economic opportunities in Mexico or immigrants’ rights in the United States. Certain structural conditions had changed (Gramsci 1996). Strawberry sales were peaking,⁴⁵ likely

contributing to increased revenue for the company, and thus higher total power.⁴⁶ However, these changes in market conditions were not necessarily evident to the workers – their numbers had not changed significantly, and they did not have access to the company’s financials. The intensification of immigration laws and their enforcement led more and more to remain in the area year-round, which changed the income necessary for their reproduction and increased interactions with each other and their community. While such economic and political change likely mattered, they do not explain why workers at Sakuma Brothers were the only strawberry harvest workers to unionize during this period in the United States.

Given its importance, scholars have theorized the emergence of solidarity, often focused on events but not the worker-to-worker interactions making them possible. Karl Marx (1847) noted the irony that capital managers organize labor into “a class in itself as against capital” by physically assembling workers and presenting wages as their common interest, which “unites them in common thought of resistance,” provoking a struggle through which “this mass become united, and constitutes itself as a class for itself.” Complicating this characterization, which can appear overly deterministic, Antonio Gramsci (1996) emphasized that historically constructed divisions of labor on economic, political, and social levels suggest that solidarity must be constructed, a process that depends on structural conditions. Where Gramsci focused analysis of the formation of solidarity at the level of society, Michael Mann (1973) delineated steps a worker might progress through: commonality with coworkers through the labor process, perception of management as an adversary, conception of society as a labor-capital struggle, and envisioning an alternative society. Several scholars have argued that development of class consciousness, of solidarity, emerges in critical moments of action, at the workplace (Blackburn 1967; Fantasia 1988) at a societal level (Lefebvre 1970/2003). Moving in the direction of considering mechanisms that create solidarity,

Michael Burawoy (1979) detailed human interactions at the workplace that accumulate to produce and reproduce workers' class consciousness. In their study, Adam Reich and Peter Bearman (2019) concurred that changes in employment relations turns on solidarity and tested the notion that workers' construct solidarity through their interactions. They found that externally observed behavior and neural activity differ between human ties of friendship and solidarity, or "relations in which we engage to achieve an external...goal" based on trust (Reich and Bearman 2019).

The emergence of solidarity among the workers at Sakuma Brothers pushes against the limits of extant theorization of labor power. The workers were assembled and shared grievances (Marx 1847). Conditions became more favorable; namely the strawberry sales increased; immigration policy tightened the labor market; and workers interactions with each other and the community surrounding Sakuma Brothers increased. Over some of their grievances, strikes had occurred (Blackburn 1967; Lefebvre 1970; Fantasia 1988). In the case of workers at Sakuma Brothers, multiple prior strikes did not indicate associational power or lead to enduring changes in working conditions. Instead, prior to 2013, when workers struck, management made temporary concessions, rescinded them at will, and at least one worker cooperated with management, indicating low levels of associational power.

Prior to 2013, the relatively low level of associational power reflected certain conditions. As immigrant workers, they were recruited to one of very few income-earning opportunities available, in an industry organized to direct capital away from the production process where the workers are concentrated, and in a country with laws negating the legality of their labor. The labor process involves little technical control but layers of supervisors, against whom workers directed their grievances and relented when adjustments were made, akin to the 'game' that can reproduce worker consent theorized by Burawoy (1979). Furthermore, through the ethnographic work of Seth

Holmes (2013), we learned that the labor process at Sakuma Brothers operated on a social hierarchy infused with racism and patriarchy, one in which white teenagers held quasi-supervisory positions as checkers of the fruit picked by the predominantly immigrant field workers. This social order in Skagit, Washington could only serve to reinforce the disempowering identity as mere vessels of field labor imposed on the indigenous peoples of southern Mexico through political and social processes (Lara 1996; Novo 2004). Under these conditions, many of the workers earned their wages and left Washington after each harvest, maintaining intermittent relations among themselves and cautious if any relations with the community. However, the lack of unionization among other strawberry workers experiencing similar changes points us back the workers themselves.

What, then, occurred to make the strike in 2013 the start of a process that resulted in collective bargaining? Moving towards an explanation, Reich and Bearman (2019) characterize the type of relationships that build functional solidarity, i.e. the ability to act as a collective, as trust-based. Workers represented by FUJ certainly testified to trust-based relationships. In interviews, several workers recounted that prior to 2013 they had observed Torres stand up to supervisors to halt verbal harassment of women on multiple occasions, and commented on his reputation for honesty. Yet if the workers' prior experiences with one worker representing them to management provided lessons, they learned the need for collective strategies. The expansion of trust-based relations into solidarity binding the workers into a collective appears to begin with the intervention by Guillen. In the midst of workers deliberations on what to do about their fired colleague, Guillen provoked them with a new idea.

While Guillen challenged the workers to recognize their own capacity to participate in the rules to which they are subjected, the workers' response set them on a path of building bargaining

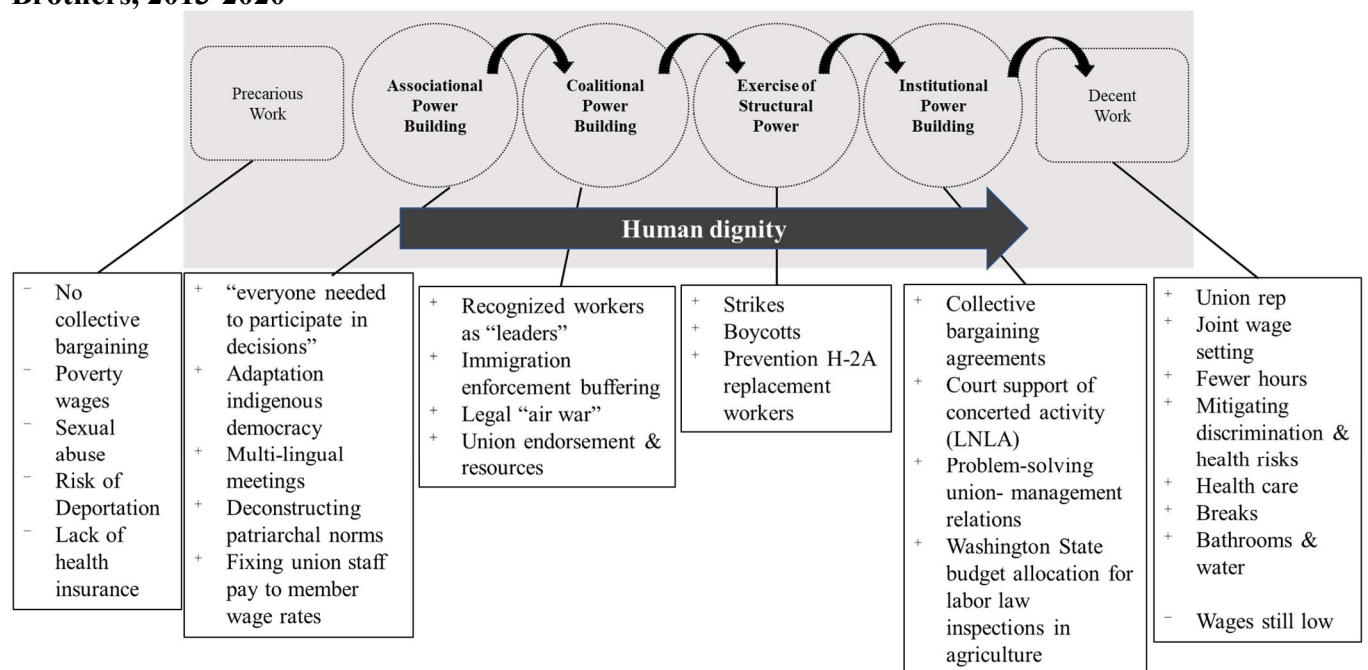
power. The workers began to build associational power through the process of human dignity, recognizing each other's capacity to participate in the rules to which they are subjected (Honneth 1995). As Franks had noted, Guillen instilled "confidence." This is central to building the capacity for collective action, associational power, because it taps the fundamental human development experience. As Honneth explains (1995), starting with parental relations, human form identity and self-confidence intersubjectively and continuously, through dignified relationships that reinforce one's participatory capacity and undignified relations that destroy trust in oneself by denying participation.

Considering the process of human dignity explains why from 2013 through the present, workers unionized as FUJ and established the extraordinarily rare collective bargaining relationship with a US agribusiness employer. Figure 2 illustrates the role of human dignity in the process of workers progressing from their 2013 strike through collective bargaining. Dotted lines indicate the dynamism. At each stage, workers could have moved in different directions, depending on their agency and conditions.

At the moment of crisis – the firing of their coworker for requesting a raise, the workers could have conceded to a resolution that would reinforce management's unilateral control. The intervention by Guillen suggested an alternative direction, and instilled the confidence to take it. Her recognition of the workers capacity to participate in their own work rules pointed them in a new direction. In this sense human dignity catalyzed their creation of associational power. Following Guillen's proposal, the workers began meetings in which hundreds participated in multilingual deliberations. What was happening at those meetings was the action of human dignity; workers were mutually recognizing each other's capacity to participate in social rules. They were deconstructing the identities assigned to them– particularly of field workers by virtue of

indigeneity and of the subordinate status of women— and constructing a collective identity around the possibility of determining the terms of their employment. Their emergent associational power enabled them to carry out the strategic intermittent strikes throughout the remainder of the 2013 season. Yet insufficient structural power meant that such collective action by the workers alone would not lead to collective bargaining, i.e. employer-based institutional power.

Figure 2: Process of workers progression from strike to collective bargaining at Sakuma Brothers, 2013-2020



Conditions also directed workers’ progress in certain directions. At the moment their coworker was fired, they could have conceded to a resolution offered by management and returned to work, following the pattern prior to 2013 that retained unilateral control over the labor process for management. Instead, through the intervention of Guillen to recognize their dignity, workers began to build confidence in their collective capacity, i.e. to build associational power. If they had sufficient structural power – for example if management did not have the H-2A program as a fix

to a tightening labor market or workers were organized to shut down most of strawberry production – then the workers may have gained union recognition and collective bargaining from management, i.e. employer-based structural power.

Given the workers lack of structural power, coalitional power proved essential, and required interpersonal work. Allies described their work in interviews as “blunting, to soften the political environment and the fear and the ignorance of...farmworkers” and as “an air war for a ground game...not decisive...air cover.” Without its coalition – C2C creating space from immigration enforcement, lawyers applying lesser used laws like the LNLA, unions and labor activists expanding the boycott – it would have been difficult for workers to progress with their demand for collective bargaining. Yet like associational power, coalitional power needed to be catalyzed. The process of recognizing human dignity served as the catalyst. FUJ made its struggle legible to potential allies, and mutual recognition of each other’s capacity to participate in the rules of society transformed the coalition from a latent to active form of power. The lawyer who successfully litigated on behalf of FUJ expressed the interpersonal dynamic, saying that “workers need room and space for themselves. Work in court was important to create that.” From his experience, the labor lawyer who led contract negotiations for FUJ explained, “families were always involved in the meetings,” and “I think they’ll sustain it because everyone takes a very intentional approach to keep decision-making in workers’ hands – they tell me what to negotiation. It’s not like some unions, where workers see the union as a separate entity to call to resolve problems.” What these allies were conveying was their recognition of the workers dignity. On the basis of that recognition, the workers and their allies developed the coalition that pressured management to engage in collective bargaining.

The internal strength to act collectively as a coalition made use of existing points of leverage. As discussed earlier in this chapter, some structural power existed. The boycott demonstrated that the point of leverage for the coalition was Driscoll's investment in its brand. By publicly boycotting Driscoll's and tainting its brand with poor working conditions and the denial of freedom of association, the coalition challenged the legitimacy of Driscoll's claims as a socially responsible corporation. As Driscoll's CEO confirmed, the pressure on Driscoll's led it to pressure Sakuma Brothers to accept FUJ. The second key point of leverage was existing state-based institutional power, in the form of the LNLA. By applying the LNLA to FUJ's cases, the union's lawyers used existing law to align the government of Washington behind the workers' demands for union recognition and collective bargaining. The effect was two-fold. It pressed management to concede to court orders to sustain its legal legitimacy, and changed the perception of the workers in the community in which the company is embedded. Through courts recognizing the workers' rights to concerted activity, the workers gained the state government's recognition of their freedom of association. In contrast with the federal government's denial of the workers' legality as undocumented immigrants and status as employees under the National Labor Relations Act, the state's position could only have shifted community residents of the legitimacy of the workers' struggle.

The workers again faced a turning point when they negotiated their first union contract in 2017. Faced with sharing governance of the workplace with the union, management could have sought a fix, by relocating or pursuing immigration enforcement against the unionized workers. Relocating would mean relinquishing the Sakuma Brothers generational ties to their community, and would mean the company would have to obtain new land for strawberry production in an inflated market. Pursuing immigration enforcement could have resulted in management obtaining

H-2A visas for replacement workers, at the cost of support from the community coalition supporting their resident, undocumented workers and at the risk of further legal pressure. It is also possible that part of management's shift – removing the law firm that waged its battle against unionization and beginning a problem-solving relationship with FUJ – reflected its owners' historical memory as a family that arrived as immigrants, was interned by the federal government, and whose land was maintained and returned to them by members of their community who had more political power. However, FUJ coalition members pointed out that the company seemed to highlight its family's past only once the workers engaged in the unionization campaign, suggesting the familiar experience may not have inclined actual management to accept collective bargaining. Instead of avoiding collective bargaining with FUJ, Sakuma Brothers developed a mutually productive relationship with FUJ.

The problem-solving relationship that FUJ and Sakuma Brothers management developed represents the role of human dignity in reproducing their collective bargaining relationship. Recognizing the capability of others to participate in rules needs no sentimentality. Management found that FUJ helped them to address longstanding challenges, such as the means of fixing a daily wage rate despite changes in the amount of fruit on the plants, differences in pace among the available workers', and prices offered by buyers. Through contract negotiations, the union and company arranged the healthcare fund, which distributes revenue to the union for disbursements to reimburse workers' health care costs, otherwise unaffordable due to workers' immigration status. In turn, the company maintains a reliable, experienced workforce to harvest its crops, and had thus far avoided any disturbances in its production by resolving problems with the union. In other words, management did not have to change their feelings towards the workers to recognize

their dignity; by accepting their capacity to participate in work rules, management gained labor stability, essential in the strawberry sector.

As in all employment relations, the ongoing collective bargaining relationship does not mean that workers and management do not have conflict. It means that they resolve their conflicts through dialogue, based on recognition of each other's right to participate in decisions concerning the labor process. At Sakuma Brothers, it is a limited relationship. FUJ represents hand-pickers of berries, who work from June until October. The workers operating the blueberry harvesting machine and those working in Sakuma Brothers' packhouse are not represented by the union, a limitation to FUJ's ability to disrupt the capital accumulation process, or workplace structural power. FUJ represents workers in a berry industry that is predominantly non-union, which means that Sakuma Brothers faces pressure it to keep wage bill low from competitors. Combined with the seasonality of union jobs at Sakuma Brothers, representation by FUJ likely presents the highest-quality conditions of strawberry harvest work, yet remains a low-income job. The organization of the strawberry sector and agribusiness, as specialized monocultures offering low-wage seasonal employment, is part of what motivated some FUJ members to create the Tierra y Libertad cooperative. In addition to another form of income, the coop members emphasize the control over the labor process. As one member put it, "I used to drive a forklift at my old job. My boss would come around and tell me I'm stupid because he wanted things moved differently. One day I just asked him to do it, and the boss didn't know how." To date, however, a handful of workers have become members in the coop, further indicating the challenge of developing alternatives livelihoods. While limited in scope, the changes at Sakuma Brothers offer lessons in employment relations.

The question asked in this chapter is why workers succeeded at gaining participation in the rules to which they are subjected as workers in strawberry production in the United States. The chapter traces their organizing process and identifies the recognition of human dignity as the causal mechanism evident in each stage of building bargaining power. The workers built associational power by deconstructing the identities constructed of them and constructing their own, collective identity based on their shared employment relations. On the basis of such associational power, they built coalitional power through the mutual recognition of each other's dignity with allies. The combination of associational and coalitional power enabled them to effectively assert structural and institutional forms of power, leading to their establishment of the right to participate in their work rules – collective bargaining. Management recognized the workers' ability to participate in work rules through the experience of resolving problems with workers' collective representative. In agreement with the importance of solidarity as the driver of this process, this case extends theory of labor power by identifying human dignity as the process that builds associational power and, with it, workers' overall bargaining power.

Chapter 3: Sindicato Independiente Nacional Democrático de Jornaleros

Agrícolas and strawberry production in San Quintín, Mexico

On March 17, 2015 tens of thousands of workers went on strike from the strawberry and other export agribusinesses in San Quintín, Baja California, Mexico.⁴⁷ In an extraordinary moment in the history of agribusiness in the country, the workers halted production and sales during the peak of the annual strawberry harvest. They blocked the trans-peninsular highway that connects the productive hinterland to US sales markets, 200 miles North. The organizers, the Alliance of National, State, and Municipal Organizations for Social Justice (“Alliance”) and Independent National Democratic Union of Agricultural Dayworkers (SINDJA), published the “March 17 Manifesto”, stating fourteen demands (Alianza 2015):

1. Revocation of protection contracts between their employers and union federations
2. Payment of pensions reflecting full tenure
3. Registration in the Mexican Institute of Social Security (IMSS) for medical services
4. Six-day workweek and paid leave on 7th day, holidays, and vacation
5. Payment of overtime wage rates
6. Maternity leave of six weeks prior and six weeks after births
7. Paid paternity leave of five days
8. End of and zero tolerance for sexual assaults by managerial staff
9. No retaliation against striking workers
10. Daily payrate of 300 pesos, an increase from then prevailing rate of 120 pesos per day
11. Payrate of 30 pesos per box of strawberries, and double rates on Sundays and holidays
12. Payrate of 17 pesos per bucket of blackberries, and double rates on Sundays and holidays
13. Payrate of 8 pesos per bucket of tomatoes
14. Just payment and good social coexistence between employers and workers.

Workers struck to pressure employers into legal compliance from a position of precariousness. Nationally workers lost purchasing power during the prior two decades, and in 2015 needed more than six minimum daily wages to cover the price of a basic food basket for a family of four (CAM 2015).⁴⁸ In San Quintín agribusiness, day rates had increased absolutely but not in real terms since

the 1990s, as inflation and higher costs of living rose faster than wages (Zloliniski 2010: 168; Interviews). Employers also shifted from day rates to piece rates in the 2000s, holding costs of production relatively constant while accelerating productivity, which increased 175% between 1990 and 2019 according to national statistics (Zloliniski 2019: 114; Interviews; SIAP 2020). A 2009 survey of fieldwork income found that workers took home 700-800 pesos per week while spending 750-1,500 pesos per week on groceries plus 315-571 pesos per month on water, gas, and electricity (depending on family size) (Velasco et al. 2014: 166). A 2015 survey of Baja California by the National Statistics and Geography Institute of Mexico (2016) found less than 5% unemployment yet 29% of residents living in poverty, nearly one-fifth lacking health services, and more than half lacking social security services.⁴⁹

The Alliance-SINDJA demands were for compliance with laws, state commitments to employment regulations. Protection contracts deny freedom of association and collective bargaining rights to workers by establishing agreements between union entities that protect employers with government support that prevent independent worker unionization (Bensusán et al 2007). Mexico's social security law obligates employers to register workers in IMSS (Art. 15). Mexican Federal Labor Law establishes workers' rights to a day off for every six days worked (Art.69), paid vacation and holidays (Art. 334 and 74), 8-hour days with premium overtime wage rates (Art. 61 and 68), maternity (Art. 161) and paternity leave (Art. 132), freedom from sexual assault (Art. 133 and 134), and freedom from employer interference in union activity (Art. 133). The national constitution establishes protection for the right to strike and to a living wage.⁵⁰ Following the demands, the manifesto denounced the "presence of two supposed certification organizations" Equitable Food Initiative (EFI) and Fair Trade and demanded intervention by the International Labour Organization to pressure the government of Mexico to comply with

international conventions on the rights of indigenous peoples and human rights, including union and strike rights. To press their demands, the workers occupied the highway for more than twenty-four hours, and continued intermittent strikes and protests for ten weeks.

The strike ended decisively on June 4, 2015 with an agreement between some Alliance members, employers, and state government officials to increase wages 15%, register workers in IMSS, and register SINDJA as a national union federation. Five years later, many of the demands remain unsatisfied in San Quintín. Work intensification and inflation eroded wage increases.⁵¹ The protection contracts remain. No collective bargaining has occurred. Most workers remain unregistered in the social security system. The indicator of progress ending sexual discrimination is a program at one employer to hire women for roles previously held for men. In San Quintín in 2020, the prevailing rate for strawberry boxes picked was 18-19 pesos (\$0.90-\$0.95), for average day rates of 360-570 pesos (\$18-\$29) depending on the employer, fruit yield, and work speed.⁵² For fieldwork outside of the 2-3 month peak strawberry harvest, employers paid by the day, on average 235 pesos (\$11.75). Meanwhile, workers paid approximately \$11 per day for water, food, gas and electricity – not including costs of a home and automobile.⁵³ Table 4 shows the gaps between employment duties under Mexican laws and practices in 2020.

Table 4: Employer Obligations & Compliance Status, Strawberry Sector, San Quintín

	Legal Requirement	2020 Status
Freedom of association & collective bargaining rights	ILO Conventions No. 87 & 98 articulated in Federal Labor Law Art. 357, 357 bis, 358.	Blocked by employers' protection contracts since 1980s. Removal of contracts requires votes of 30% of workers employed.
Wages	Constitution Art. VI stipulates minimum wage to be a living wage. ⁵⁴	\$18-\$28 per day during harvest \$12 per day offseason compare to \$11 per day costs for water, food, gas, & electricity ⁵⁵
Social security	Social Security Law Art. 15 requires employer registration of workers within 5 days & whenever working at least 4 days per week.	Less than 40% registered. ⁵⁶
Overtime wage rates	Federal Labor Law Art. 67 requires double regular payrates for more than 8 hours in a day; Art. 68 triple for more than 9 extra hours in a week.	Most fieldworkers reported non-compliance. Some fieldworkers, tractor drivers, security guards reported partial compliance. "Integrated salary" pay modality obscures employer compliance by failing to itemize amounts paid.
Paid breaks	Federal Labor Law Art. 64 requires a paid 30-minute break for workers who cannot leave the workplace; Art. 69 a paid day off for every 6 days worked.	
Holidays	Federal Labor Law Art. 74 requires leave or double regular payrates on established holidays.	
Paid vacation	Federal Labor Law Art. 76-81 require paid vacation	
Annual bonus	Federal Labor Law Art. 87 requires annual payment equivalent to 15 days wages or amount proportional to days worked.	
Discrimination	Federal Labor Law Art. 2 requires no employment discrimination on the basis of ethnicity, nationality, gender, age, disability, social condition, health, religion, migration status, opinions, sexual preferences, or civil status.	Employers began hiring women for all positions at 1 company. Most companies effectively reserve higher-paid jobs for men.
Occupational safety & health	Federal Labor Law Art. 3 requires working conditions that assure workers' health; Art. 51 grants workers the right to refuse dangerous work; Art. 132 requires employers to prevent occupational accidents and diseases; Art. 343-C requires employers to inform workers of health risks.	Fieldworkers reported lack of information from employers on chemicals applied to fields & refusal by public hospital to report chemical-exposure cases.
Parental leave	Federal Labor Law Art. 170 grants mothers 6 weeks leave prior & 6 weeks after birth, or 6 weeks after adoption; Art. 132 grants fathers 5 days paid leave after birth or adoption.	Fieldworkers reported arbitrary employer compliance.

The gap between the strike demands and outcomes is the subject of this chapter. Following a methodological section explaining the sources used for analysis, the chapter turns towards management and workers' respective bargaining power. International commodity network (ICN) analysis is applied to illuminate the economic, political, and social forms of power. Turning to workers' bargaining power, the confluence of these forms of power, i.e. the strawberry ICN in

which they work, limited their progress. Further limiting the changes resulting from the strike, the workers movement fell short of recognizing the dignity of all workers involved, thereby failing to build sufficient associational power. Employers and the state thus defused the strike and avoided fulfilling workers' demands by dividing strike leaders and rank-and-file workers and suppressing workers' collective action.

Learning Sources

To gain understanding of the bargaining power of workers and managers in the strawberry production sector in San Quintín, Baja California, Mexico, I gathered data between 2019 and 2021. A visit to San Quintín for the months of February and March 2020 provided the majority of primary data.⁵⁷ As shown in Table 5, sixty interviews were conducted, the majority with workers. Workers interviewed were mostly indigenous, and younger than managers and government officials. To interview workers, community leaders were contacted via WhatsApp, then snowballing technique was used to expand perspectives beyond recommended persons. Thirty companies were contacted directly for interviews. Four managers at independent production agribusinesses in the San Quintín Valley responded affirmatively. Additionally, the interview with the Driscoll's CEO, which informed the previous chapter on workers in Washington, USA, also provided information on San Quintín's position in the North American strawberry ICN. Government officials were contacted directly at Mexico's Labour and Social Protection Secretariat (STPS) and Social Security Institute (IMSS). Secondary sources guided the questionnaire used and provided data on the growth of the strawberry sector in Mexico. Interviews were supplemented with field notes from one day harvesting strawberries and two months observing work at strawberry agribusinesses and by workers' organisations. All interviews were conducted in Spanish, audio recorded, and transcribed

by the author. Coding interviews followed Juliet Corbin and George Strauss’s (1990) open coding procedures. Information in this chapter is from interviews and observations, and from secondary sources, in which case the source is cited.

Table 5: Interviews of participants in strawberry production in San Quintín, Mexico

	#	Age range	Age average	Female	Male	Indigenous	Union Member ^a	NGO Activist	Business Association Member
Workers	41	16-70	37	22 (44%)	28 (56%)	43 (86%)	8 (16%)	9 (18%)	n/a
Unionists	6								
Managers	5	50-70	58	0	5	0	n/a	0	4 (80%)
State officials	3	40-50	43	2	1	0	1 (33%)	n/a	n/a
Academics	6								
Activists	7								
Totals	58	16-70	39	24 (41%)	34 (59%)	43 (74%)	9	9	4

^a Including independent unions only

Management’s sources of bargaining power in the production of strawberries in San Quintín

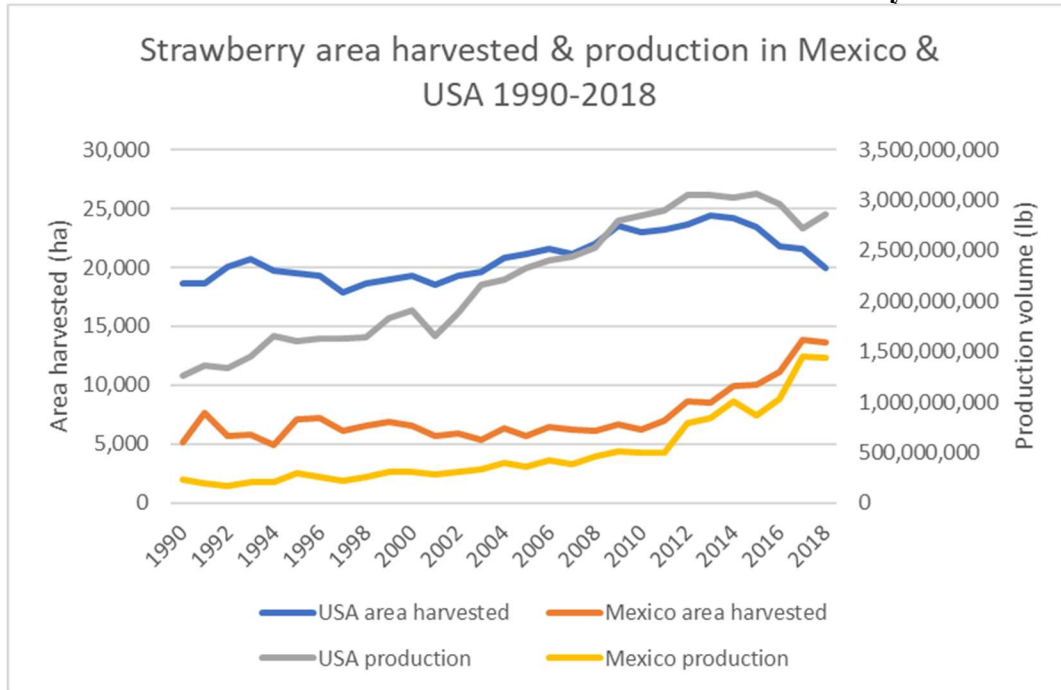
The Mexican and US governments and agribusinesses in the berry sector co-developed strawberry production in San Quintín and thereby expanded the profit frontier of the North American strawberry sector. San Quintín’s natural environment and proximity to US markets make it a possible location for producing perishable berries commercially. Governmental contributions of a cheap labor supply and monopoly rents made the berry industry growth a reality. The social orders that define indigeneity as commodified field labor and women as subordinate to men underpinned and sustained the project. The result is the provision of cheap production for the North

American strawberry ICN based on San Quintín managers' ability to replace workers, inability to pass on higher labor costs to consumers or input suppliers, and support from the government.

Emergence and growth of the San Quintín strawberry production node in North American ICNs

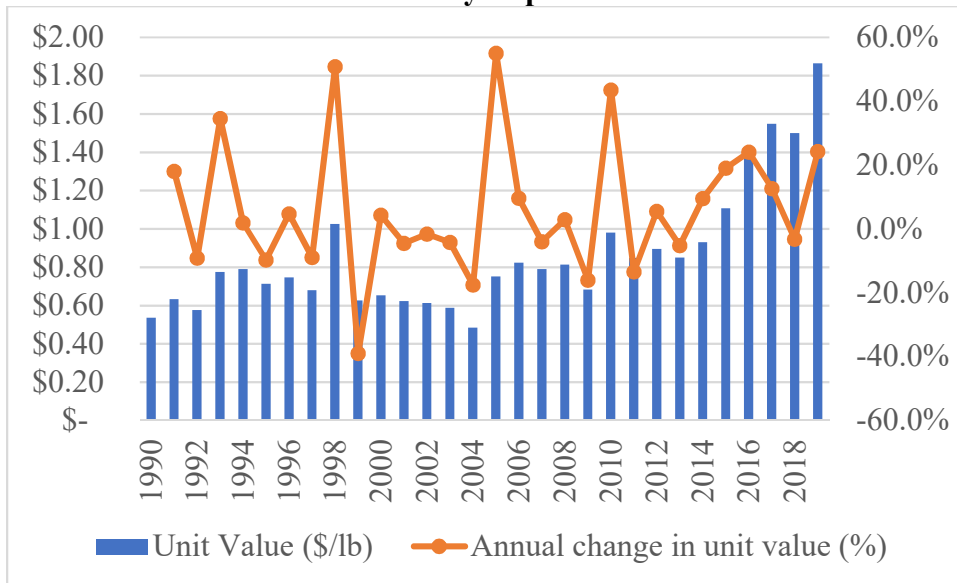
Since the addition of Baja California as a production location around 1990, Mexico's strawberry sector has boomed. The country is now the third-largest strawberry producer worldwide, with 1.9 billion pounds produced in 2019, generating 20.6 billion pesos (\$1 billion USD) only from strawberry fruit sales (FAO 2020; SIAP 2020).⁵⁸ The sector's growth in Mexico is most notable in the 2010s, when annual growth of strawberry production averaged 14.1% in Mexico, compared to 0.3% in the United States (Chart 2). Thirty years after it last reported no strawberry exports, Mexico today is the second-largest country source of strawberry exports worldwide (UN COMTRADE 2020). During the last decade, Mexico decreased the share of strawberry production exported from nearly 70% in 2010 to 26% in 2019, and nonetheless accounted for 90% of US strawberry imports in this period, with nearly all exports destined for its northern neighbor (FAO 2020; COMTRADE 2020). Not only in volume, the value of Mexico's strawberry exports also increased (Chart 3). Within Mexico, the state of Michoacán accounts for most berry production (2/3 of strawberries in 2019). Baja California accounts for 23% of national strawberry production, all in San Quintín, and exports nearly all the fruit to US markets.

Chart 2: Growth of the Mexican and North American Strawberry Sector



Source: Author’s calculations with FAO (2020) data.

Chart 3: Unit Value of Strawberry Exports: Mexico to USA- 1990-2019



Source: author’s calculations with UN COMTRADE data.

San Quintín’s agricultural export boom reflects natural, geographic, and socially constructed market advantages. Strawberry production in the Valley benefits from a temperate climate, modulating effect of the sea, and sandy soil (Wells 1996; Roethler 2016). Located 186

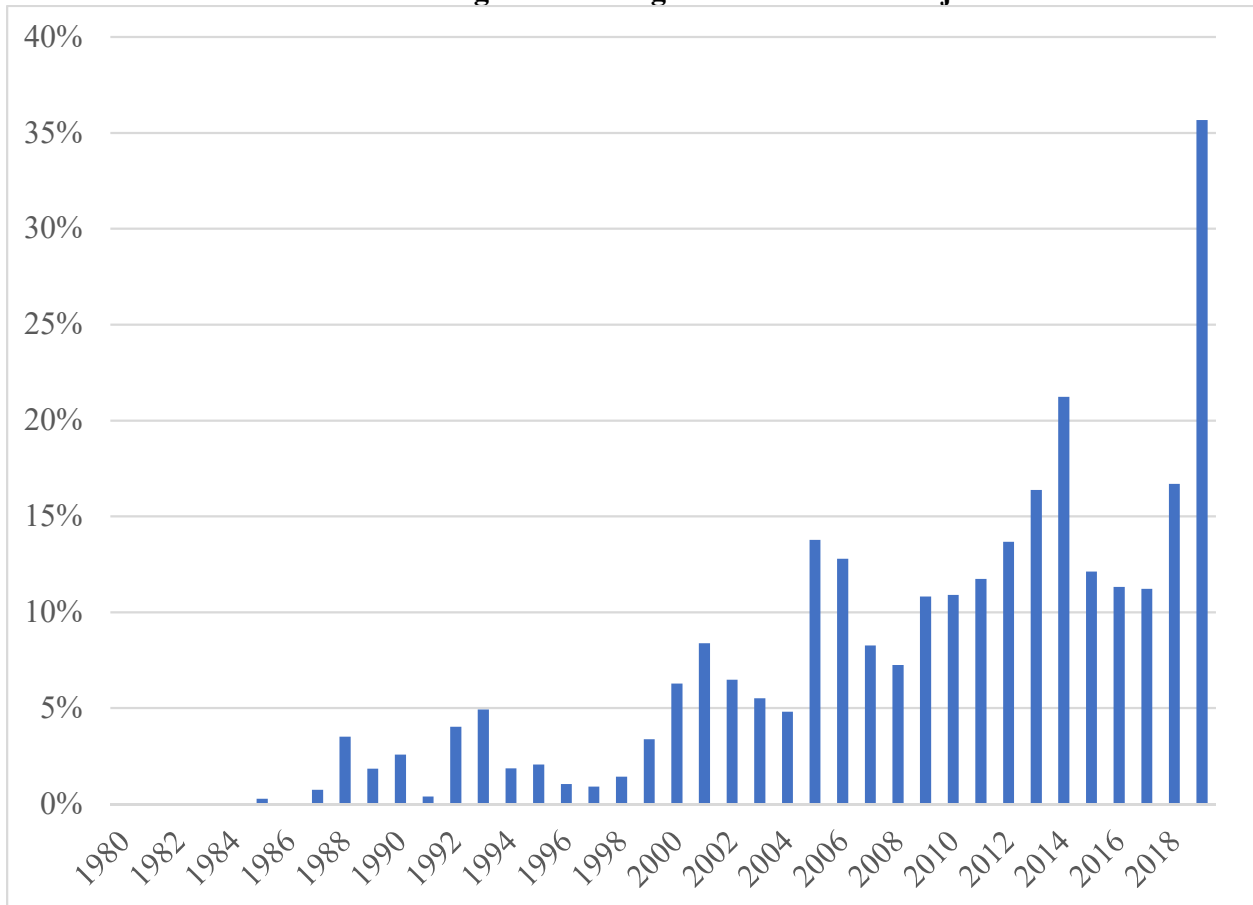
miles from the United States border, San Quintín's production season, December through April, complements the US summer production season, supporting year-round strawberry sales in the United States (Driscoll's 2020). Although production overlaps with the season in the US state of Florida, it is not competition on equal terms. In 2020 San Quintín daily payrates were \$18-\$28 – depending on fruit yield and worker pace, compared to \$14-\$18 per hour at US strawberry production companies.⁵⁹ San Quintín owes its key position in the North American ICN to governmental interventions.

National states' development of agro-export industry in San Quintín

Commercial agriculture was nonexistent in San Quintín until recent decades. The valley is a semi-arid valley halfway down a peninsula geographically disconnected from Mexico and politically disconnected from the United States. Dominican friars arrived around 1679 and attempted agriculture by forcing indigenous people to work for them, decimating the Kiliwa and Cohomi nations before abandoning their mission in 1849 due to aridness (Zloniski 2019: 23-25). The Mexican government tried again with the 1883 Colonization Law, under which it granted concessions to US and UK companies, revoked following the Mexican Revolution (Zloniski 2019: 26). To relieve pressure from landless rural residents and US deportations, in the 1930s the Mexican government established communal lands known as *ejidos* in San Quintín, and aspiring agribusinessmen from Jalisco, Michoacán, and Sinaloa began commercial production, primarily of tomatoes, leading to its first waged labor production system (Zloniski 2019: 30-31). In the 1970s, the Mexican government constructed the trans-peninsular highway connecting the valley to the United States, that, combined with the introduction of aquifer extraction and drip irrigation technologies, primed San Quintín for export agribusiness. Since the 1980s, the Mexican

government's policies, reflecting colonial legacies and contemporary international finance, accelerated the growth of export agribusiness in San Quintín.

Chart 4: Strawberries as Percentage of Total Agricultural Value: Baja California



Source: Author's calculations with SIAP (2020) data.

Characteristic of the neoliberal turn of the late 20th and early 21st centuries, Mexico's government restructured trade, investment, fiscal, and labor policies – all of which supported growth of the strawberry sector, which grew from 0 to 35% of Baja California's income from agricultural (Chart 4). The policy changes began with financial crisis in the early 1980s. The US and United Kingdom governments increased target interest rates, skyrocketing debts held by national governments worldwide. Simultaneously, terms of trade for oil deteriorated, presenting international exchange and debt servicing problems to exporting countries like Mexico. Its

government announced debt default in 1982 and began a series of structural adjustment programs under the direction of the IMF and World Bank. In exchange for assured continued access to international financial markets, the Mexican government repeatedly devalued its currency, liberalized its capital accounts, privatized industries (more than 1,000 in 1991 alone), land, and water, shifted fiscal support from small producers to exporters, and reduced spending – especially on education and healthcare (Echanové 2001; SAPRIN 2005; Velasco et al. 2014; Zlalniski 2019). With the North American Free Trade Agreement (NAFTA), the Mexican government consolidated the neoliberal policies, reduced tariff barriers with its northern neighbors, and provided the protections to capital that attracted international investment, including in the strawberry sector. As part of its expansion to the global market leader in berry production, Driscoll’s, through its strategic partner Reiter Affiliated Companies, then established Berrymex, which became the dominant berry company of Mexico. Driscoll’s CEO Miles Reiter described the beneficial conditions at the time, saying, “We have developed and patented our own plant varieties, and would not have risked bringing them to Mexico unless NAFTA protected our patents” (Crawford 1997).

Under the export-promotion regime, hundreds of small, medium and large production companies have attempted to compete in Mexico’s strawberry sector.⁶⁰ Large and medium-size companies tend to own and manage export, import, and transportation of product, while smaller companies tend to contract with or sell ad hoc to the larger companies. The production companies are squeezed by concentrated input and output markets, reducing the amount of capital, or total power, that might be distributed to field workers. On the input side, production companies in Mexico face the same oligopolistic plant patent, irrigation system, fertilizer, and other agro-chemical markets supplying US production companies. According to a production manager in San

Quintín, that means that the only possibility of negotiating input prices is with local distributors (Interview). For exports, the vast majority of sales from San Quintín, production companies there again face the oligopolistic US food sales industry. As San Quintín managers explained, the large food retailers are unavoidable, purchase from multiple suppliers to reduce risk, prefer larger suppliers to reduce transaction costs, and require certifications, further influencing the production process.⁶¹

An example of a medium-size berry production company with its own marketing is San Vicente Camalú (SVC). The García family owns the company, which began in the 1960s when the grandfather of the current owner emigrated from Jalisco. In contrast to the 60% of production companies that rent land in San Quintín, according to interviewed managers, SVC owns the land on which it manages production. The García's accumulated 19,000 hectares of formerly *ejido* land in the early 1990s, following land privatization (Martínez Novo 2004: 217, citing Cruz Aguirre 1997). SVC has grown strawberries around Camalú, San Quintín, Baja California since 1984, currently on 200 of its 1,000 hectares of production – on which it also produces tomatoes, asparagus, and avocado. Salvador García is the current co-owner and operations manager, and the current president of the main association representing agribusinesses in the region, the Agriculture Council of Baja California (Consejo Agrícola de Baja California, CABC). In response to retailer demands, SVC has obtained GlobalGAP, California organic (CCOF), and Fair Trade USA certifications for some of its products. It markets the products through its San Diego-based company ExpoFresh, primarily to retailers and secondarily to terminal markets, according to its operations manager.

The majority of strawberries from San Quintín, however, move through ICNs controlled by Driscoll's, the largest company in berry ICNs dedicated to the fruit. The company is valued at

\$3 billion; sources strawberries, raspberries, blueberries, and blackberries from 400 production companies in 21 countries; and sells berries in 48 countries (Shanker 2016; Goodyear 2017; Shelman 2018). Driscoll's revenue was \$455 million in 2019 (Mergent 2021). It is privately owned, with 70% ownership shares held by brothers Miles Reiter and Garland Reiter. The company accounts for an estimated one-third of the US berry market and 60% of organic strawberry sales (Lawrence 2015; Goodyear 2017; Mergent 2021). In Mexico, Berrymex is the largest berry production company.⁶² It is owned by Reiter Affiliated Companies (RAC), which is owned by the brothers Garland and Miles Reiter, owners of Driscoll's, and markets all of its product through Driscoll's. Berrymex produces, contracts with smaller producers, and buys berries from others, all under specifications required by Driscoll's.

Driscoll's strategy involves outsourcing production, plant development and patenting, branding, and logistics. Indicative of its orientation to labor management, the company began sharecropping in the 1940s and was compelled to end by a sharecroppers' lawsuit in 1975. Today, Driscoll's manages plant breeding, patenting, and propagation and logistics – quality control, refrigerated transportation, marketing, and sales. Suppliers to Driscoll's plant its patented varieties, manage production according to its specifications, and pay 18-25% commission for marketing services (Guthman 2017; Interviews). Its general council explained, "Growers are sort of like our manufacturing plants. We make the inventions, they assemble it, and then we market it, so it's not that dissimilar from Apple using someone else to do the manufacturing but they've made the invention and marketed the end product" (Goodyear 2017). In this sense, Driscoll's might be considered an indirect employer of the fieldworkers. A manager of a company with its own distribution said that lack of capital is the only reason any agribusiness accepts terms of Driscoll's, corroborating research that has concluded that its purchase contracts discipline and shift more risk

onto producers than is shared (Guthman 2017). With management of labor in production overseen by the corporate layers of small producers, BerryMex, and RAC, Driscoll's manages marketing, 75% of US sales to food retailers, the rest to terminal markets.⁶³ Its transportation management involves real-time tracking of approximately 250 refrigerated trucks, which transport 4 million pounds of berries daily during peak seasons, more than 75% moved from suppliers to buyers the same day (Shanker 2016; Goodyear 2017; Broussel 2011).

While Driscoll's is less than 1% the size of Walmart, the two have grown symbiotically.⁶⁴ As Walmart drove consolidation and led the elimination of 'vendor allowances' – the arrangements common in US food retail prior to the 1990s that gave suppliers substantial control over price, display and volume (Lichtenstein 2008), volume and year-round sales became the unifying priorities for food retailers and large suppliers (Mohapatra et al. 2010). Retailers began preferring fewer larger suppliers to reduce transaction costs. In response, the largest marketers like Driscoll's increased their volume by expanding, including with locations that overlap harvest seasons to provide strawberries year-round. Precommitments became the sector norm, initially in the form of forward contracts and increasingly as private formal contracts with fixed prices. The forward contracts benefited large strawberry sellers by increasing their volume and, to some degree price, and benefited food retailers by reducing labor time thanks to fewer suppliers to manage, spot prices to monitor, and stocking strawberries year-round instead of regularly changing shelves (Mohapatra et al. 2010). While beneficial to the largest companies in the ICN, not all benefitted. As the manager of a medium-size company explained, "Everything has to do with volume – with the buying power that they have...they punish you some with the price. And as Walmart has grown, so has the competition, so more people have produced; fifteen years ago strawberry was an extraordinary business, but not now – it's normal."

The interventions of governments, investments by businesses, and alignment of large buyer and supplier interests contributed to the growth of the strawberry sector in San Quintín and year-round strawberry sales in North America, yet all relied on labor to produce surplus from fieldwork. Berrymex alone directly employs around 2,000 workers for the harvest in San Quintín. In the labor-intensive strawberry sector, a reliably lower labor cost is the primary advantage of Mexican production for US sales, and primary interest of buyers.

The production and reproduction of cheap labor for San Quintín's strawberry exports

When the first agri-businessmen began in San Quintín, they confronted the usual labor concerns, e.g. that seasonal harvests lent themselves to strikes, and those particular to their geography, that workers had alternative income sources of fishing, tourism, and, most significantly, emigration to work in the United States (Martínez Novo 2004). As older workers in San Quintín recalled in interviews, until the mid-2000s “there wasn’t a problem, such a strong border issues;” “one could come and go across the border,” The Mexican government delivered by compelling millions of people into the wage labor market, granting employers wide discretion, and reifying particular identities that help reproduce cheap labor.

The Mexican government pushed millions of people off the land into the wage-labor market through a series of legal reforms. With the agrarian reform of 1992, the government replaced the promise of access to land established in the Mexican Revolution with encouragement of employment in agribusiness (Lara Flores 2005). It extended capitalist property rights over *ejidos*, communally owned lands, until then transferred hereditarily, and on which commerce was based on reciprocity (Velasco, Coubé, Zlolniski 2014: Footnote 114; Interviews). Government fiscal support for agriculture, most of which was directed to small producers of corn and beans,

dropped 60% in the 1980s (Lara Flores 2005). Further foreclosing peasant livelihoods, the reduction of trade barriers under NAFTA led to a flood of US-subsidized corn, the dominant grain consumed in Mexico, with attendant effects on the livelihoods characteristic of the *ejido* system. Non-remunerated employment in agriculture and forestry fell 58% between 1991 and 2007, meaning some 4.9 million people, mostly of indigenous heritage, were displaced from non-commercial agriculture (Weisbrot, Lefebvre, Sammut 2014: 13). As two workers explained in interviews, in the indigenous communities of the southern states of Oaxaca and Guerrero, where the *ejido* system predominated, peasants were suddenly pit into competition with multinational corporations and yet provided “no means to sell products, for the lack of a highway, no airport, roads, nothing,” “there was everything there – chickens, birds, rabbits, lettuce, vegetables, radishes, fruits – so much, but there’s no market.” Meanwhile, export agriculture never offered the possibility of absorbing all of the displaced, new wage workers; it offered seasonal wage labor for some workers and contributed to inflated living costs by prioritizing export commodities over domestic food supplies (Lara Flores 2005).

As the state foreclosed alternatives, agribusinesses recruited the new wage workers from their indigenous communities as seasonal labor. Most employers in San Quintín had emigrated from Jalisco, Michoacán, and Sinaloa, where labor contractors had recruited, transported, and returned workers from the southern state of Oaxaca for seasonal work since the 1950s (Martínez Novo 2004). In San Quintín, employers adapted the practice to satisfy their growing labor demand, for which the temporary, migrant labor force allowed for the externalization of labor reproduction costs to workers’ home communities and differentiated the workers, depressing wage bills below the local cost of living (Kearney 1988). Employers complained of Oaxacans’ combativeness and expanded recruitment to the states of Guerrero, Durango, Sinaloa, and Sonora (Lara Flores 2005;

Zlalniski 2010; Velasco et al. 2014). Wage-seekers followed the recruiters and began to arrive in San Quintín on their own, becoming the majority in the 1990s (Martínez Novo 2004). By 2000, the industry increasingly demanded a more stable workforce as winter strawberries overtook summer tomatoes as the primary source of surplus, and buyers required ever more specific production practices (Velasco et al. 2014; Zlalniski 2019). The 80,000 workers now living in San Quintín and working in its agricultural export industry include second- and third-generations of those displaced from southern states. By local workers' estimates, at least 80% of industry's workforce resides in and considers San Quintín home. The settling of the workforce locally forced employers to find other means to avoid paying workers' costs of living locally.

The lack of alternative employment in San Quintín has benefited production companies by deepening dependency on income from field work. In the valley, access to non-agribusiness employment or agribusiness services or management positions is limited, particularly for indigenous and women residents (Velasco et al., 2014). Packhouses offer “dizzying,” often 18-hour shifts, as a young female worker of mixed European and indigenous heritage recounted. Fewer still attempt their own businesses. As one couple reported, from their convenience store, “everything earned now is not to work outside,” a strategy threatened by corporate retailers' expansion into the valley's communities.⁶⁵ Many workers used to migrate to work in the United States, but that option has become increasingly limited to those who can obtain an H-2A visa.⁶⁶ To obtain a visa, US employers test workers fieldwork skills while processing their paperwork, have the ability to send workers back at any time, and are known to test the workers employed at the end of each season in order to rehire only the fastest workers for the following season (Zlalniski 2019: 103; Interviews).

To sustain the cheap labor advantage, the Mexican government strengthened employers' discretion. As labor relations scholar Graciela Bensusán Areous (2020) documented, the country's labor relations system passed through two periods of corporatism before adopting the current neoliberal model. The government prioritized industrialization and thus protected workers in select industries between 1917 and the 1970s, when it began to prioritize export-led development. Supporting union avoidance and under-enforcing laws supported the capital growth strategy. When announcing the end of land reform in 1991, the Mexican president proclaimed, "There will be more farm employment and this means more salaried work, as is already occurring on small properties and communal lands; the moment has arrived to recognize this situation and to promote the unionization of agricultural day laborers, to ensure that their labor relation will be one of just treatment" (quoted in Lara Flores 2005), at once defining fieldworkers as "day laborers," i.e. outside labor and social security law, and, far from committing to freedom of association, subjecting them to the employer protection contract regime, a distortion of the corporatist model.

Employer protection contracts proliferated in Mexico since the 1980s as the primary means through which employers avoid unions. The practice emerged out of the combination of regulations and norms granting employers' substantial control in choosing their union counterpart on the one hand and concentrating power in union leadership without democratic praxis and accountability to members on the other (Bensusán 2006). Under protection contracts, an employer pays a union entity in exchange for freedom from independent worker collective action. When workers first began organizing in the San Quintín Valley in the 1980s, employers responded by signing protection contracts, primarily with the Confederación de Trabajadores Mexicanos (CTM), Confederación Regional Obrera Mexicana (CROM), and Confederación Revolucionaria de Obreros y Campesinos (CROC) (Velasco et al. 2014: 237-239). In San Quintín, the protectionist

unions receive direct payments from employers. Workers and Labor Secretariat officials, some with decades of experience, reported that they have never seen a representative of the protectionist unions. During the 2015 strike in San Quintín, employers' first response to the Alianza, whose demands included nullification of the protection contracts, was a proposal to sideline the Alianza and sign a settlement with the protectionist unions. In 2020 the protectionist unions and their contracts with employers in agribusiness remain.

Legal ambivalence and under-enforcement revolve around the concept of “day laborer” and reinforce employers' control over labor in San Quintín. Workers throughout Mexico are entitled to healthcare, pensions, maternity leave, paid vacation, year-end bonuses, modest profit sharing, job protection and indemnification for dismissal without just cause under the social security and labor laws.⁶⁷ For decades, studies documented the denial of these rights to agribusiness fieldworkers in the valley, even while companies respected them for managerial staff (Garduño, García, Morán 1989; Lara Flores 2005). Meanwhile, the government moved slowly, against agribusiness resistance, to include temporary agricultural workers under labor and social security laws, eventually settling on a definition of temporary agricultural worker as contracted for less than 27 weeks, and finally requiring employers to comply with duties under labor and social security laws in 2012 (Velasco et al. 2014: 195-200). Currently, the law stipulates that all workers become permanent, and therefore entitled to full legal rights and benefits, after working at least four days per week for 26 weeks. Beyond the letter, legal enforcement is lax. The government first appointed a labor inspectorate to San Quintín in the late 1980s (Velasco et al. 2014: 238). Workers interviewed in 2020 responded with incredulity to the question of any government inspector. A group of women replied in near chorus, “What do you mean their presence? You don't see them. What government? We don't see any agencies.” Another worker reported, “It seems that the

company doesn't allow inspectors to enter." An independent union organizer explained that workers who pursue remediation through the Labor Secretariat (STPS) are often encouraged by its representatives to accept half of what they are owed, because pursuing full payment would likely entail hiring a lawyer and a process that can take several years. The legal ambivalence and under-enforcement shield employers from higher wage bills, protection strengthened by the identity imposed on fieldworkers.

Underpinning the displacement of peasants, legal discretion granted to employers, and sustained cheap labor for the San Quintín strawberry sector is a social order that subordinates indigenous peoples and women. Peasants from southern Mexican states, especially Oaxaca, have been employed by agribusiness in North America since at least the beginning of the twentieth century (Martínez Novo 2004). In San Quintín, there are approximately 80,000 indigenous persons from 43 different ethnic groups, accounting for 80% of the population of the largest towns, according to an interviewed former regional representative for the National Commission of Indigenous Peoples (Comisión Nacional de los Pueblos Indígenas – CDI). The stereotyped identity assigned to the diverse indigenous peoples emerges in public discourse and press and in interviews conducted in 2020: that they are short and thus naturally adept at stooped fieldwork, unskilled, frugal and thus more than content with any wage, accustomed to impoverished living conditions as 'traditional', and docile and thus nearly incapable of resistance (Martínez Novo 2004; Interviews). Thus, an interviewed manager noted, "Normally people know how to pick [strawberries], but if people come from Chiapas and don't know, then we have a little school to show," using the Mexican state most identified with indigenous resistance to colonialism as euphemism for unskilled. To reinforce the trope that the workers were grateful for employment in the fields, without offering evidence employers blamed "external groups and hooded men," federal

intelligence agents blamed drug cartels, and politicians accused rivals of leading the 2015 strike (García Soto 2015; Tijuana Noticias 2015). Whether deliberate or not, the elites were insinuating that indigenous people lacked the capacity to do so. Workers perceive that employers and government actors purposefully construct a stereotype of vulnerable indigenous peoples, dependent on their patriarchal care. While managers express indifference, “We give the opportunity to anyone who wants to learn,” workers say, “We still live racism, which is the divider.” Another interviewed worker and labor organizer concluded,

“They know perfectly well that the poor people of Mexico, the indigenous, the people with fewer resources, their only means is through education. And they know that for me to send my children to school, I need a good salary. So they say, ‘we cannot raise the salaries so high that he can send his children to school, because then we won’t have workers.’”

For indigenous women, discrimination is layered. Workers explained widespread sexual abuses as agribusiness developed in the 1990s and 2000s. A woman summarized, “the foremen did not treat us well – a lot of assault, many vulgar, gross language, and yes, physical assault as well.” Management remains dominated by men with European heritage, and employee opportunities are divided, with packhouses hiring predominantly women with European heritage and, in fields tractor-driving, irrigation, and other ‘technical’ and better remunerated positions reserved for men. Women workers scoffed at supervisors who “have their lovers,” and “they put them in the lighter jobs,” such as fruit checking. A woman organizer explained that only one company began hiring women into all non-managerial positions in 2020. According to the company manager, “work results are better with women – not to say that there aren’t hard women, but...the man we can be harder, and it can create problems for the companies,” reflecting

expectations of female docility. Referring to the multiple burdens endured, an indigenous woman worker explained, “You return to work because you have to feed the family.”

The structuring of the strawberry sector in San Quintín implies a bargaining power advantage for production companies over the fieldworkers they employ. Governmental neoliberal reforms, particularly its shift from supporting smallholder agriculture to export agribusiness, created a surplus labor supply. Indicative of their ability to replace workers, employers discharge workers every 1-3 months, confident that enough workers are always available given the lack of alternatives and negligible savings feasible with low wage rates. The expansion of the strawberry sector meant integration into North American ICNs, squeezing production companies between oligopolistic input and output markets, thereby raising pressure on employers to extract value out of labor. Thus, as the export strawberry sector grew to become the predominant source of value for San Quintín, production companies switched from day rates to piece-rates to intensify production (Interviews). As Christian Zolniski (2019: 114) observed, the use of piece-rates enabled San Quintín production companies to stabilize labor costs while increasing productivity by pitting workers into competition with each other, with the added benefit of decreasing solidarity. Initial use of migrant labor and ongoing use of racialism and patriarchy differentiate the workers and further underpin externalization of the costs of renewing the labor force.

In other words, political, economic, and social forces created a price elastic demand for labor and strike leverage favoring employers (Marshall 1920; Katz et al. 2017). Labor accounts for most operation costs for strawberry production, and production companies cannot increase their margins by lowering input prices or raising output prices. The construction of a surplus labor pool provides them a highly replaceable supply of labor. The large companies Berrymex and those owned by Andrew & Williamson have multiple production locations, permitting them to continue

production if strikes occur at one. Workers' ability to shut down strawberry production is possible given the short period of the peak season but gains beyond a nominal change require organizing most of the 80,000 workers available to harvest the crop. Low incomes mean low savings. Protectionist unions means no strike funds. The position of the state – committed to export agribusiness, subordinating indigenous peoples, and preventing collective bargaining – raises the risks of disrupting the San Quintin strawberry sector. Thus, the challenge for San Quintin strawberry workers is to build sufficient association power to act collectively and advance their interests despite the obstacles.

The long road towards dignity in San Quintín strawberry fields

While the 2015 strike was the largest single collective action, workers have organized and engaged in collective action to improve their livelihoods in the strawberry export hub of San Quintín since the sector's emergence in the late 1980s. The Mexican state compelled peasants into waged labor, and employers concentrated the newly proletarianized – together creating a class “in itself” (Marx, 1847/1999: Ch. 2). The workers' development as a “class for itself” with collective identity in struggle for improved working and living conditions is an ongoing process. San Quintín strawberry sector workers' have resisted extraction of value from them through demands for improved working conditions, living conditions, and status as national citizens and local residents. They have done so in a concentric pattern of increasingly inclusive associational power, organizing for the right to enter employment contracts of their own choosing, against physical harm, for basic needs, and increasingly for participation in work rules. Workers' collective actions prior to, during, and after the 2015 strike have yielded changes. They have not compelled management to engage them in collective bargaining, largely due to the management's political and structural power. Yet

if associational power is the primary force to gain such participation in work rules, a section of the long road yet travelled is catalyzing that force, all the workers' recognizing each other's dignity.

Worker organizing in the first decades of agribusiness in San Quintín

In the 1980s, as export agribusiness emerged in San Quintín, workers quickly directed demands to employers and the government. Employers recruited workers from indigenous communities following the government's foreclosure of peasant livelihoods. In this era, employers housed many workers in company labor camps and employed others who assembled their own camps from discarded cardboard and plastic. Most workers had left behind communal lands in their heritage communities for complete dependence on employers for enough wages to survive. The camps were largely left unsupervised by the government, housed as many as 5,000 workers each, and were notoriously inhospitable – lacking potable water, crowded, poorly constructed, with dirt floors, and frigid in wintertime (Clark 1985 cited in Velasco et al 2014: 236). Interviewed workers recalled equally vividly their loss of independence: fences and armed guards controlled their movement, missing work meant losing housing, and supervisors harassed women with impunity. The camps also served as the social bases for worker organizing (Velasco et al. 2014: 233, 236). Organized workers demanded that the government provide land where they could live independent of employers and basic services - water, sewage, electricity, and roads. From employers, workers demanded higher wages and ending sexual abuse of women workers (Velasco et al. 2014: 284).

In this period, the Central Independiente de Obreros Agrícolas y Campesinos (CIOAC – Independent Central of Agricultural Workers and Peasants) contributed to workers' class consciousness, helping workers define their identity as working class in antagonistic position vis-

à-vis employers and the government (Interviews 2020; Mann 1973:13). CIOAC was founded in 1975 by a leader of the Central Campesina Independiente (Independent Peasant Central) and Partido Comunista Mexicano (PCM Mexican Communist Party), had organized indigenous peasants and workers, and combined demands for land distribution, credit for peasants, and protections for agricultural workers (Velasco et al. 2014: Fn. 102). In 1984, teachers and activists affiliated with the PCM moved to San Quintín and founded a CIOAC local organization in the valley. Indigenous Mixtec activists Benito García and Maclovio Rojas participated in university student mobilizations in Sinaloa and, under the CIOAC umbrella, moved to San Quintín to work among and organize fieldworkers. The Frente Indígena Binacional (FIOB – Binational Indigenous Front), Movimiento de Unificación de Jornaleros Independientes (MUJI – Unity Movement of Independent Day Laborers), and Frente Indígena de la Lucha Triqui (FILT – Indigenous Front of the Triqui Struggle) also emerged in this era, as ethnic-based social and political organizations supporting primarily Mixtec and Triqui indigenous groups. For anthropologist Michael Kearney (1998), CIOAC's emergence in particular signified reappropriation of indigenous identity by workers in contrast to European-heritage employers and government officials, and a rejection of the corporatist alliance of between political parties and national union federations that functioned to defuse labor militancy and protect employers. Events indicate that such empowerment of the indigenous workers remains an unfinished project.

Several fissures weakened early associational power building. In 1987 CIOAC expelled García after accusing him of negotiating low payments by an employer to the families of workers who died in a work accident, charging the families for his negotiations, negotiating a piece rate for strawberry harvesting below CIOAC's demand,⁶⁸ and becoming godfather to the child of a prominent agribusiness employer (Velasco et al. 2014: 240-241). CIOAC split, with some

members, particularly at the national level, emphasizing systemic reform including land distribution, and others criticizing Garcia's expulsion as interference by outsiders and defending his decisions as efforts for immediate material improvements. The same year, Rojas was killed in a hit-and-run, after he had publicly participated in the removal of García and prioritized wage increases in organizing workers into CIOAC (Velasco et al. 2014: 243-245). Despite the multiple internal conflicts, CIOAC led a strike in 1988 that resulted in a wage increase and improvements in the company's labor camp – including latrines, washing facilities, teachers for primary school, and basketball courts.

Agribusinesses responded swiftly to workers' organizing and collective action, by establishing protection contracts. The same year of CIOAC's founding, the agribusiness association active then, the Regional Agricultural Union of Vegetable Producers of the Coast, arranged for all of its members to sign protection contracts with CTM. During this period, the national government was largely absent, without labor courts or arbitration offices in San Quintín (Velasco et al. 2014: 238). The government did not recognize CIOAC, FILT, FIOB, or MUJI as unions. Repression of activists pushed many leaders to migrate to the United States for work, and in San Quintín the organizations shifted focus to securing land tenure for workers to move out of employers' labor camps, for which local government officials lent some support (Velasco 2014: 247). While making gains in terms of community housing conditions, some cite the limited bases along ethnic lines and focus on securing state fiscal support as preventing the emergence of independent unionism (Martínez Novo 2006).

In the 1990s, CIOAC, FILT, FIOB and MUJI directed collective action towards securing land and services to loosen employers' control over them in the labor camps and gain more ability to choose where to work. The struggles involved land occupations, agreements between

landowners and activists, and demands on the government for a hospital and infrastructure to support the new workers' housing communities. The land struggles increased registered communities from 8,120 to 35,820, changing San Quintín from a seasonal destination for migrant workers to a permanently settled region (Velasco 2002; Velasco et al. 2014: 249-267; Interviews 2020). As Velasco, Zlalniski, and Coubes (2014: 268) observed, the land struggles signified workers' reappropriation of their freedom to choose where to work and to engage in social reproduction independent of their employer. From the land struggles, workers carried with them a range of tactics – land occupations, closing the highway, negotiations over prices, advocacy towards the government – as they increasingly worked for the growing, multinational-corporation-dominated strawberry sector.

Instances of worker collective action towards employers also occurred during the 1990s, and evinced shifting employment relations. In 1996, between 500 and 1,000 workers struck, blocked the highway, looted businesses, and burned government vehicles in protest against nonpayment of weeks of wages by the Santa Anita Ranch (Zlalniski 2010; Martínez Novo 2006; Interviews). Government actors, employers, and invited journalists blamed outside, violent agitators and dismissed the possibility that the fieldworkers would resist, drawing on essentialized notions of them as 'passive' and 'ignorant' indigenous people content with the work (Martínez Novo 2006). In 1998 workers protested and eventually burned down the packhouse of ABC, after the company's absentee owners delayed, then refused to pay, and again managers blamed the uprising on 'outsiders,' one reporting, "As is was always the case in the region, a handful of leaders were in charge...who were always meddling to obtain an economic profit" (quoted in Zlalniski 2019: 41).

The employment conflicts marked a loss of labor control in San Quintín export agribusiness. Workers' efforts to build their own residential communities removed employers' ability to constantly supervise workers in company camps. Workers' organization of the protests themselves, without direction by extant organizations, and as workers, not on the basis of particular ethnic identities, indicated increased consciousness and associational power. Into the 2000s, strawberries eclipsed tomatoes as San Quintín's primary export, shade production extended seasons and thus increased employment demand, and the US government's tightening of its border control reduced emigration as an alternative employment option to the few who could obtain a visa. These changes altered the context and contributed to the trend of workers organizing independently as a class.

The 2015 strike led by the Alliance of National, State, and Municipal Organizations for Social Justice

When tens of thousands of fieldworkers in San Quintín struck and shut down the trans-peninsular highway on March 17, 2015, they targeted the economic, political, and social forces that suppress their bargaining power. They demanded that the Mexican government “comply with the international agreements like the rights of indigenous peoples, human rights, union rights, and the right to strike.”⁶⁹ Their immediate demands included higher incomes, state protection and employer respect of their rights under labor and social security laws, and end of impunity to gender-based discrimination and violence. The strikers also signaled a more inclusive form of associational power and strategic form of structural and coalitional power. Far more workers than prior strikes participated. Workers participated not as one or another ethnic group but as workers and citizens with complex identities often essentialized to subordinate them. Women emerged as

public leaders and challenged patriarchal relations within the labor movement. The striking workers no longer demanded workplace changes from a single manager or solely social protections from the state. They demanded new relations with all companies and the government, in which workers would participate in establishing and monitoring the terms and conditions under which they worked and lived. They also found their path towards dignity disrupted, resulting in unmet demands.

Associational power was necessarily the foundation of the 2015 strike. The action itself and any progress it initiated depended on it. Workers built associational power by articulating a common struggle. The workers were primarily displaced peasants with indigenous heritage, had migrated for survival, struggled to satisfy basic necessities, co-constructed their residential communities, and labored together in fields that provided the North American strawberry sector a critical supply of berries (Garduño 1989; Cruz 2016; Interviews). These experiences contributed to an identity as San Quintín agribusiness workers, and contrasted with their employers, commonly of European heritage, from northern Mexico, with more formal education and better working and living conditions. Workers began to interpret their history in terms of the reproduction of inequities to support capital development, and to envision potential for change. As an organizer expressed in an interview, “The country was designed to never stop producing cheap labor...you begin to realize that many things are not accidental, and that so long as you continue the game, everything is perfect for them, but if you move, many things can happen.” Leaders helped workers make connections between their identity and collective potential. As a current labor organizer recalled, he and his friends joined the strike because the Alliance leaders “spoke truth, a reality that we experienced,” guiding their consciousness to view “improving conditions of field workers is improving my own condition.”

Strikers drew on indigenous governance practices and prior experiences. Several residential communities in San Quintín adapted the governance practice of electing a ‘traditional authority’ from their heritage communities to their new communities while constructing them. As interviewed community members described, the traditional authority is elected every couple years, comprised of several people, responsible for addressing infrastructure improvements as well settling disputes among residents, and regularly gathers fellow residents for public deliberations. Activated during the land struggles of the 1990s, traditional authorities in San Quintín carried lessons into the 2015 strike, particularly the need to broaden beyond particular identity groups. As one of the organizers described in an interview, “I began with the Triqui community here. But internally wasn’t enough. I had to unite all the groups of people.” Sharing the belief that broader collective identity was needed, community leaders organized the Alliance of National, State, and Municipal Organizations for Social Justice (“Alliance”). The Alliance was organized with five leaders, four of whom were traditional authorities, and nine spokespersons, two of whom were also traditional authorities (Cruz 2016; Interviews). The Alliance leaders presented themselves as fieldworkers’ equals: wage workers, living precariously, poorly treated by employers and the government. Alliance decision-making coalesced around one of the leaders, a former activist at CIOAC and the leftist social movement organization FPR, whose authority rested more on experience than a community base (Cruz 2016: 171; Interviews).

The Alliance organized and guided the budding movement towards the general strike. An Alliance leader recalled that “It took two years speaking with the communities – one day here, the next in another, and so on.” Widespread frustration with apparently stagnating progress helped the organizing effort. Many workers struggled through the extreme exploitation and poverty of the 1980s and won improvements of autonomous residence, infrastructure, wage increases in

subsequent years – all of which shaped expectations of progress (Velasco 2014: 143). The second generation of fieldworkers in San Quintín no longer hoped to return to their heritage communities, the goal of many in the first generation (Cruz 2016: 149). As a labor organizer described in an interview, “The goal of every worker is for their children to go to school, become professionals, and break the cycle of being trapped as a field worker.” Yet by the 2010s, real wages had stagnated for years, while, as workers recalled in interviews, “gas pressed us because it went up, eggs...everything was getting more expensive, and 90 pesos [per day] didn’t cover it...we were fed up;” “people didn’t have enough to get by, and it had been years since they increased wages.”

The Alliance encouraged workers to see the stagnating progress, especially underpayment of legal benefits, as violations of workers’ rights under labor and social security laws. Alliance leaders convened workers in their communities and amplified the message via local radio, especially the multilingual Indigenous Radio Xeqin.⁷⁰ US media picked up on some of the triggers of the strike,⁷¹ likely contributing to the list of organizations that allied with the Alliance in the United States and Mexico.⁷² In this way, Alliance leaders articulated a class-based framing of workers’ common grievances and of the solution, to unionize and collectively bargain with employers and the government. This use of symbolic power (Bourdieu 2000; Chun 2009) sought to unite workers from distinct ethnic groups and employers, recognizing that efforts in the 1980s and 1990s often fell short by focusing on differentiating ethnic groups and single employers. Leaders focused on gaps between employer and government practices and their legal duties to legitimize their demands. Their strategy built associational power by offering a viable vision of alternative relationships with employers and the government based in the law. One leader argued, “we changed the mentality in the youth, in the adult workers, and in the producers [employers]” (Interview). Some rank-and-file participants in the strike perceived that the effort did not go far

enough. As one said, “the godfathers said that the strike was because we were well organized. I have a different view. I and others think that it wasn’t because we were well organized but because we were fed up with being paid 90 pesos. They didn’t invite me to the strike, but clearly I was going to go, because I was fed up.”

The Alliance tested institutions for their capacity to respond to workers’ needs, and the refusal of the government, employers, and protection unions to respond helped clarify that change would come from workers’ direct, collective action. The Alliance sent letters to local government officials, the Baja California state governor, and the Mexican president. The FIOB helped disseminate the demands and lack of response from authorities through Radio XEQIN, run by the national indigenous affairs agency CDI. Workers thus observed that government agencies “acted like they did not see our complaints,” as an interviewed strike participant said, inclining more to join the Alliance in a general strike. The day before the strike, the Alliance published a petitions listing demands to employers and the government, all of which were calls for application of existing laws. By then, the Alliance had gained media attention, and major newspapers such as *La Jornada* covered the petition, shining a national spotlight on the strike.

The Alliance clearly understood workers’ latent structural power – workers collectively held the on/off switch to San Quintín’s economy. The Alliance planned the strike for mid-March, when North American strawberry sales depended on San Quintín production, and to include the blockage of the Trans-peninsular highway, the means of transporting the valley’s product to market. Unlike prior strikes that focused on specific employers for single issues, the 2015 strike was general in scope and demands, addressing not only immediate economic demands of wage increases but also freedom of association. The strategy seemed to resonate. Between the Alliance’s organizing, workers’ frustration with stagnant progress, the government’s indifference to workers’

petitions, and the broad scope of the action, workers responded in mass. Tens of thousands of workers, by some accounts as many as 80,000, went on strike and began blockading the highway starting around 2 AM on March 17, 2015. The Alliance had planned blockades at 7 points along the highway, and workers mounted several more, effectively blocking transportation along the sixty-two miles of the San Quintín Valley, from Punta Colonet to Rancho Los Pinos (Interviews).

The Mexican government suppressed the strike swiftly. As strikers recalled, the first day began with workers blocking the highway and communicating with the police and ended with a flood of municipal and federal police using anti-riot tactics. The police used force on strikers, jailed dozens, and cut off radio, cellphone, and internet service in the valley, justifying the response by exaggerating the few instances of vandalism.⁷³ The state's forceful response sent thousands home, and after a few days most workers broke the picket line and returned to work. A current labor organizer reflected, "that's when I realized that the people were not well organized to deal with that situation." Workers who did not participate in the strike partly corroborated the organizer's assessment and pointed to structural obstacles to the strike – they could not afford to lose work and felt threatened. A young father demurred, "I didn't go to the strike, because it was down at the highway....no one came to talk about it." A young mother more directly said, "I knew that there was a strike. I didn't participate. I had to care for my children...Also, if you joined the strike, you risked being fired. They fired everyone who participated." While not everyone was fired, she perceived the overall dynamics, that the companies in San Quintín evaded workers' demands with the government's support.

Negotiations proceeded to show employers' dramatic power advantage over the workers, derived from government support for export agribusiness and the partial insulation of investments from workers' disruption of production. The government and the employers' association CABC

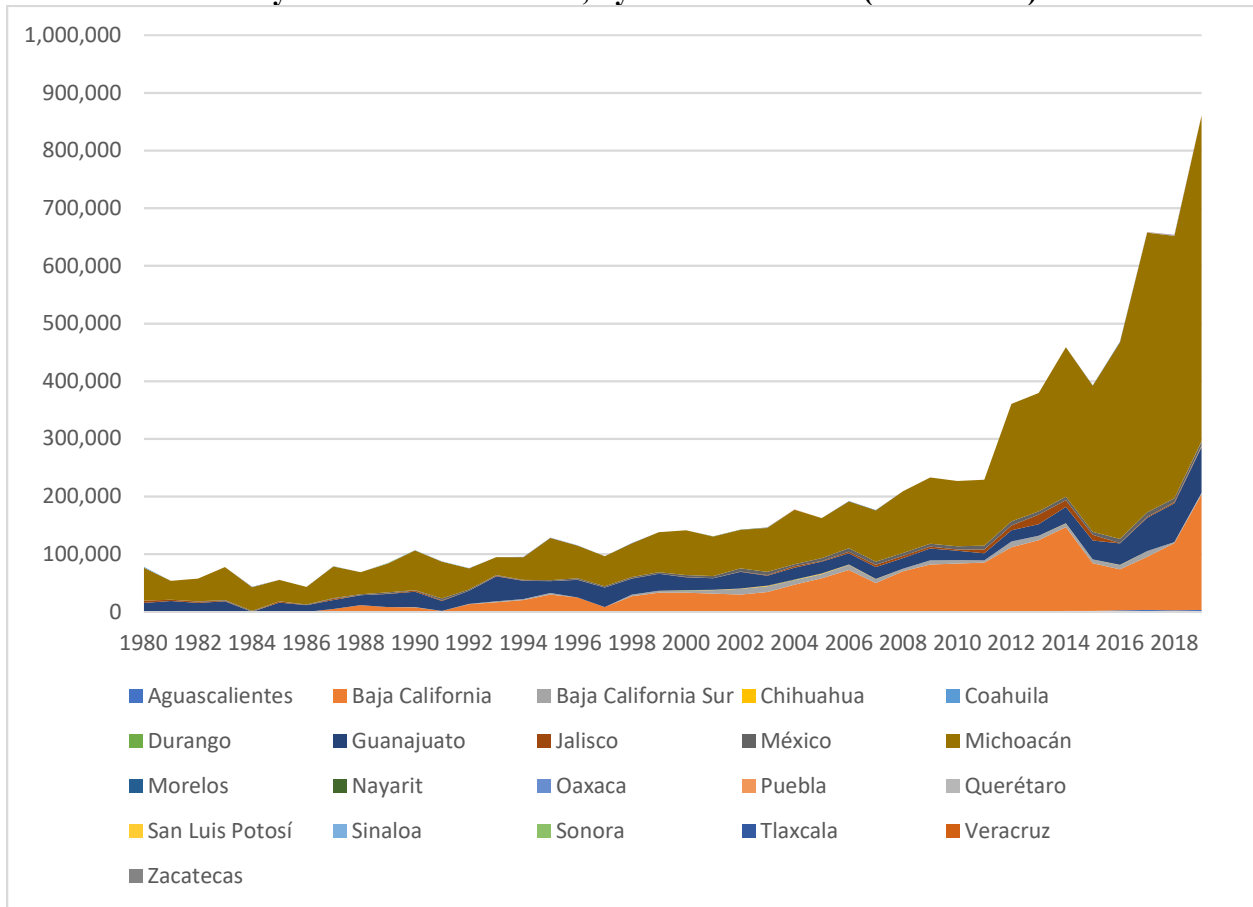
met with the Alliance leaders a week after the launch of the strike, after the police response sent most workers back to work and reopened the highway. While an employer recalled in an interview in 2002 that the government impeded productive bargaining, CABC's approach at the time did not indicate willingness to concede to any of workers' demands. Employers first proposed negotiating with the CTM, CROM, and CROC, the non-representative unions whose protectionist contracts had prevented collective bargaining since the 1980s, claiming the Alliance did not have standing as workers' negotiating representative. After conceding to negotiate with the Alliance and offering nothing in four meetings, at two subsequent meetings employers offered a 12% then 15% increase of daily wage rates and to register workers in IMSS. Having demanded an increase from the prevailing daily rate of 120 pesos to 300, the Alliance reduced their demand to 200 pesos, a 67% increase. The Alliance then proceeded to travel to Mexicali, then Mexico City to seek more political support. They gained commitments by the Labor Secretariat (STPS) to review working conditions and address childcare, education, and healthcare deficits in San Quintín, while employers stood by their offer of a 15% wage increase and government officials asked for time to consider the wage issue. The Alliance responded by announcing a boycott of products from San Quintín and of upcoming political elections, indicating the need for new leverage since most workers had returned to the fields as negotiations dragged. Tensions continued.

Several weeks after the strike, the interior secretary for Baja California called a meeting to resume negotiations, on May 8. When the secretary cancelled at the last minute, the Alliance led a march to the Government Center in San Quintín to demand the meeting. Leaders called off the demonstration when a few people impeded vehicles passing on the highway in front of the Center. The next day, in apparent retaliation and, according to local residents after a call by an agribusiness owner, federal police raided the neighborhood of Lomas de San Ramón, known locally for its

effective community organizing. Police arrived in armored vehicles, entered homes, and physically assaulted residents, who responded by burning one of the armored vehicles, the local police station, and barricading the neighborhood (SEGOB 2017; Interviews).

Meanwhile, companies cried economic foul. Managers reported to the media that they were plowing over the 2015 strawberry crop and predicted a 30% reduction the following year (*Sun* 2015; Corpus 2015). National records show that annual strawberry production declined in 2015 (-14%) but resumed growth (19%) the next year, with an even higher growth in exports (29%) in the 2016 season, suggesting an increase in production outside of San Quintín in 2016 (FAOSTAT 2020; Andrade 2016). As shown in Chart 5, national production data further indicate production relocation; after tracking each other's growth for three decades, strawberry production growth diverged in 2015, significantly decreasing in Baja California and increasing in Michoacán. US production data indicate that the regional strawberry sector also increased production North of the Mexican border in the year of the strike. US production was flat in 2013, decreased -1% in 2014, grew 1% in 2015, then decreased -3% in 2016, -8% in 2017 (FAOSTAT 2020).

Chart 5: Strawberry Production – Mexico, by State 1980-2019 (metric tons)



Source: Author’s calculations with SIAP (2020) data

Two subsequent meetings effectively ended the negotiations and fissured waning associational power. Days after the police invasion of Lomas de San Ramón, Alliance leaders met with the secretaries of the interior and labor, indigenous affairs agency CDI, and employers’ association CABC. The state actors agreed to release detained strikers; initiate housing, nutrition, and health programs; and register a union that would negotiate wages. Managers agreed to not retaliate against strikers, cease employing children, end retention of wages, increase wages 15%, and pay a “non-integrated” modality – meaning itemized pay statements to show legally required benefit payments. The federal and state actors, employers, and Alliance met again to finalize their agreement on June 4. However, the written agreement stated that employers would pay “integrated salaries.” Eleven of the fourteen Alliance leaders signed the agreement, later claiming that they

were deceived into signing. Three refused to sign and denounced the others for conceding a central demand of the strike. As one who refused recalled in an interview, “our fight ended June 4...the document said at the time that pay was going to be integrated...that benefits were going to be included, and the fight was that they would be apart...I didn’t agree that you should sign...you have to consult...if they [workers] are in agreement that you sign the document with its conditions, then good, but they’re the only ones who can decide.”

The split among Alliance leaders deepened. Their lead negotiator was, according to interviewed residents, obliged to publicly apologize in multiple communities. Others who signed grew frustrated and reported that a few used the process for personal gain, allegations that, while difficult to substantiate, gained credence locally when some Alliance leaders started a taxi service despite no apparent capital to invest and others ran for public office. Whether intended by any parties or not, an outcome of the negotiations was the division of the emergent labor movement and loss of trust in the Alliance – workers “don’t believe in them anymore” (Cruz 2016: 208; Interviews).

San Quintín workers quickly lost leverage. Participation in Alliance-led actions declined from tens of thousands on the first day of the strike, to 4,000 for a march in May, to a lull in collective action (Cruz 2016: 208). In November 2015 Alliance leaders convened an assembly for the leadership elections of the Independent National Democratic Union of Agricultural Day Laborers (Sindicato Independiente Nacional Democrático de Jornaleros Agrícolas – SINDJA), the union that the government agreed to register in negotiations. Some 300 hundred people attended (Cruz 2016: 208). The same month, a faction of former Alliance leaders formed a rival union with the backing of a politician, which became a false start, as its president used the new organization for financial gain and the rest disassociated from it. One reported in an interview, “it fell apart...so

everyone left, and now it has no members.” While the federal government committed to register SINDJA, it postponed delivery of the union’s registration until January 2016, to further “calm us down,” as a former Alliance leader recalled.

Days prior to SINDJA’s founding meeting, the Alliance announced a boycott of Driscoll’s berries, in a move that signaled further disconnect between activist leaders and workers. The boycott was conceived and led by a former United Farm Worker organizer based in California. the UFW grape boycotts that compelled employers to bargain with the union depended on organized committees and solidaristic action by fellow unions to halt transportation and sales, which the Alliance lacked (Fischer-Daly 2021). Workers found the Alliance’s boycott convoluted, as a risk to their jobs and hollow after a disappointing strike settlement. The timing had a logic based not in San Quintín workers’ position but in the potential to leverage the boycott then underway by Familias Unidas por la Justicia (See Chapter 2). FUJ in Washington State was years into a boycott of its employer and Driscoll’s, and in 2015 advancing towards collective bargaining. Leaders of SINDJA and FUJ both were sidelined and felt that the Alliance’s announcement divided instead of uniting them. Years later the two unions met and established direct communications.

The results of the 2015 strike in San Quintín were minimal. Workers, activists, agribusiness managers, and media recognized the wage increase as a respectable goal and outcome. “It was good because it benefited everyone with a wage increase,” summarized a non-participant worker. Employers conditioned support for the increase. One manager arrived at recognizing the benefit for workers only after arguing for management’s unilateral control: “I think that owners and workers lost. I don’t think it was the form. Each worker could have fixed the situation with their boss. Instead, everyone lost...for the workers...there was an increase, in some cases double, so economically. On the one hand they benefitted, on the other they lost, both sides.” According to

workers interviewed, employers signaled their control over wage levels by unilaterally increasing wages incrementally in the years following the strike, often in apparent effort to dissuade collective action, such as Berrymex's announcement of an increase on the first anniversary of the strike. Furthermore, workers reported intensification of workload accompanying the raises, such as expanding the number of rows to weed to receive a day's pay. Five years later, protection contracts continue to block collective bargaining; the government had not invested in the social programs that it committed to in negotiations; and employers registered more, but not even half of all workers in the social security system.

Changes in Management Strategy Following the 2015 Strike

While falling short on its own terms, the 2015 strike pushed companies in the strawberry sector to adjust, primarily by adding bureaucratic forms of control (Edwards 1979)⁷⁴. Lead marketing and retail companies increased requirements of certifications of labor standards and issued reports countering workers' claims of precarious working conditions. Not a single company moved towards collective bargaining with SINDJA, the union that emerged from the strike.

The dominant brands sourcing strawberries from San Quintín intensified their use of private regulation, particularly certifications, since the 2015 strike. Driscoll's published "Worker Welfare Standards," a supplier code of conduct described as "based upon the International Labor [sic] Organization Conventions and Recommendations, during the 2015 negotiations in San Quintín (Fresh Plaza 2016). In 2016, the berry behemoth began requiring its Mexican supplier Berrymex to certify its owned facilities to Fair Trade USA. In response to worker demands for collective bargaining with the newly formed independent union, Driscoll's stated, "The main Driscoll's producer in Baja California currently has union representation," referring to the

protection contracts that the ILO supervisory system has repeatedly identified as impediments to freedom of association (Fresh Plaza 2018; CEACR 2016). Driscoll's position on freedom of association is further indicated by the comments of its CEO, who said in an interview, "ILO stuff can be useful but doesn't necessarily fit the way many people would like." The third largest company marketing berries from San Quintín, Andrew & Williamson, followed suit by adopting the Equitable Food Initiative certifications for its owned producers, and Rainforest Alliance certifications of strawberry producers in Mexico doubled (EFI 2020; Rainforest Alliance 2020).

While private regulation may curb governmental and consumer pressure on the lead companies at one end of the ICN, and Fair Trade and EFI transfer some money across the commodity chain to workers, certifications have demonstrated minimal capacity to detect and remediate workers' rights violations, for several reasons. The underlying 'theory of change' that non-certification would translate into lost consumer sales has not come to pass, so certification programs' ultimate sanction of decertification is a weak deterrent to standards violations. Certifications are financially structured for the industry to pay for inspection and certification from auditing and standard-setting entities reliant on the industry for business, creating a conflict of interest that public law avoids and certifications have not resolved. Most certifications, including those observed in San Quintín, maintain audits confidential between the audit company, the company obtaining certification, and the accreditation and standard-setting organizations, sidelining workers from a process of judging respect for their rights and shielding entities involved from scrutiny. Confidentiality also means that certifications systems do not seek to reinforce public regulation through collaboration with governments. Lack of worker representation in standards development, implementation, and verification reduces the priority of freedom of association and collective bargaining rights, reflected in no certification requiring unions or collective bargaining.

Management coercion of workers to tell inspectors what they want and failure of most auditors to interview workers in settings without management undermines the reliability of the certifications. Companies may selectively certify facilities while benefiting from lower-cost product obtained via labor practices that violate the certification standards at non-certified facilities, enabling misleading messaging of broader certification than exists. These and more issues have been raised in studies of private regulation over twenty years in multiple industries, and workers' experiences.⁷⁵

Workers at certified production companies in San Quintín either criticized certification systems or reported no knowledge of them during interviews. A worker at a supplier to BerryMex reported that the day before any inspector or auditor arrives, “the company gives us a talk and tells us what they’re going to say and how we need to respond – that everything is good; we work as we like. They tell us that if we don’t, they can sanction and close the company.” In addition to corroborating prior studies of audit falsification, the worker’s comment reflects the use of certifications by lead firms in the ICN to control the labor process. Workers at the EFI- and Rainforest Alliance-certified companies reported a modest bonus in their paycheck from EFI. They also reported that the company was certified to Fair Trade USA, had once claimed to use the premium on water barrels and blankets when in fact the government distributed the materials, and later invested the premium into a company store. The workers at a company called Milagro added that the committees for both certification systems are comprised of employees from the company’s administrative offices. Another worker with experiences at EFI- and Fair Trade-certified companies said, “It is makeup, because it doesn’t protect you...it is to say that everything is good at the farm.”

The second approach taken by lead companies since the 2015 strike has been to produce reports that contest workers' claims. The leading example is the report "Farm Labor and Mexico's Export Produce Industry," commissioned by the Walmart Foundation and published by the Wilson Center in 2019. The report provides data from extensive access to export-oriented companies and surveys of thousands of workers identified by the industry's associations. It argues that the "expansion of export-oriented agriculture is reducing rural poverty in Mexico," by stating that companies comply with the laws, pay "two or three times the minimum wage during the harvest season," and register "more than 90 percent of workers" in the social security system IMSS (Escobar et al. 2019: 2). The conclusions raise several issues.

First, the investigation misrepresents freedom of association and thus worker collectives, suggesting that workers' unions are dismissible. It inaccurately refers to the Alliance that led the 2015 as a union and presents only its wage demand (and does so inaccurately, a third lower than the highly publicized rate). It asserts that the CTM and CROM represent workers while attributing their widely documented collusion with employers to allegations of the Alliance (Escobar et al. 2019: 31; CEACR 2016). The report states, "Employers, unions, and local authorities sometimes combine to discourage workers from filing or pursuing charges of trafficking" and "There are unions, but they reportedly do little to protect workers rights" (Escobar et al. 2019: 38, 117). The report's conflation of protectionist unions and worker organizations seeking collective bargaining functions to discredit the latter by attributing corrupt behavior to all unions.

Second, the Wilson Center report confuses political and living wages. It suggests that three times the legal minimum wage is high, while leaving out that three times the minimum wage covers the cost of a basic breadbasket and is only paid during berry harvests (CAM 2018). Outside of the berry harvest in San Quintín, employers pay around \$12 per day, while year-round, workers pay

around \$11 daily for water, food, gas and electricity alone. Third, the claim of near complete social security registration is based on workers' survey responses and yet contrasts with data at the San Quintín IMSS offices, which indicated that at most 40% of workers in agribusiness were registered in in 2020, most only as temporary workers.⁷⁶ While the investigation included participation of more than 3,000 workers, it is unclear whether measures were taken to avoid employer influence over worker responses, a common issue in corporate assessments of labor standards.

Third, the report dismisses workers' collective agency. Agribusiness associations provided lists of workers, and it appears that no worker organization was consulted. After acknowledging that the settlement of the 2015 strike included employer commitments to comply with legal duties to register workers in the social security system, it attributes all such employer efforts to *LA Times* reporting on poor conditions in Mexican agribusiness, thereby again dismissing the influence of workers' collective action of halting production and sales. The messages are clear, that workers' collective voice is irrelevant, and workers should be content.

Changes in government labor strategy since the 2015 strike

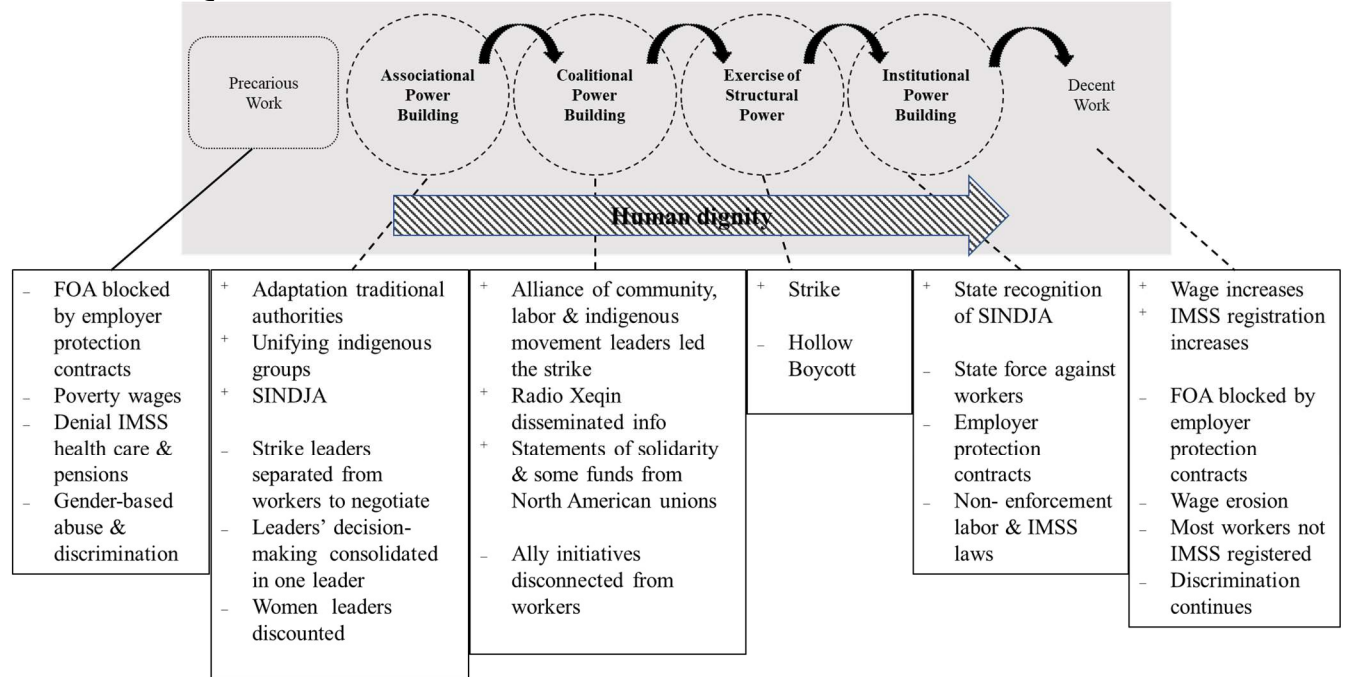
In the years following the 2015 strike in San Quintín, the government of Mexico enacted legal reforms of its labor regime at the national and regional level. While these reforms are not a direct result of the strike, it is hard to believe that the largest strike in agribusiness in the country's history did not factor into the government's decision-making. The government amended the national constitution in 2017, activated labor law reforms in 2019, and committed to increased accountability for enforcement in the United States-Mexico-Canada Agreement (USMCA) in 2020. As of 2020, the Federal Labor Law prohibits employer interference in union and collective labor activities, grants workers freedom to affiliate and disaffiliate from unions and elect union

executive board members for limited tenures, protects the right to union and collective labor activities by informal workers, prevents government interference with the new Federal Centre for Labor Conciliation and Registration,⁷⁷ requires mechanisms for worker control over union decision-making, and requires worker support through voting for union representation and collective bargaining agreements (Bensusán 2020:19-23). The legislation also stipulated that all unions must comply with the new laws, including through a democratic election of executive board members within 240 days (a deadline that has passed) and by amending procedures for workers to vote on collective agreements by May 2, 2021 (Bensusán 2020: 22).⁷⁸ To date, the commitments under the USMCA do not yet apply to the agribusiness industry.⁷⁹

These reforms of the domestic legal institutions create a foothold for labor. Workers may now vote out protection contracts and unions and elect representative unions with oversight by the Federal Centre for Labor Conciliation and Registration. Whether workers can use the foothold to establish collective bargaining with employers likely depends on worker organizing and responses by employers and government authorities. In response to the 2015 strike in the San Quintín Valley, the government, at employers' request, deployed federal police, which engaged strikers and their communities violently (SEGOB 2017; Interviews). In 2019, an employer fired twelve security guards; SINDJA assisted the workers to file a complaint with the Labor Secretariat (STPS); the employer invited the workers to return to work, where thugs beat them; SINDJA assisted the workers to file a criminal complaint; a SINDJA leader's home was burned down; and no investigations were conducted. The final section of this chapter now turns to workers' progress building power.

The largest strike in the history of Mexico's agribusiness did not achieve its stated goals. The stunted progress indicated by wage increases that have largely eroded, increased registration of workers with IMSS but still only for less than half, and complete lack of collective bargaining can be largely explained by the economic, political, and social forms of power of companies in the sector. The Mexican government commitment to export agribusiness translates into extraordinary economic support, including a surplus labor supply and suppression of strike activity. The organization of the North American strawberry ICN incorporates the production companies in Mexico for their capacity to provide cheap production and contributions to year-round sales, and directs capital away from the fields where workers are concentrated, towards the largest retailers, to a lesser yet significant extent the largest marketing companies. The lack of enforcement of labor and social security laws provides managers the flexibility to extract value from workers and satisfy the market demands for volume and price. The essentialization of diverse indigenous peoples as content field hands and women as subordinate to men functions to justify poor conditions and divide workers. In resistance, workers built associational power and asserted the structural power available, and their efforts were not enough to achieve recognition of their dignity. Figure 3 models the process, with plus signs indicating actions that contributed to building power resources, and minus signs indicating those that detracted from their efforts. At the heart of each is the human dignity recognition process, thus displayed here only partially legible, and the results were weak power resources, indicated by the dotted lines around them.

Figure 3: Process of workers progression from precarious to decent work during the 2015 strike in San Quintín



The disruption of the process of recognizing workers dignity stunted power building by workers in San Quintín. Workers began building associational power by recognizing each other's capacity to participate in community governance with the adaptation of the traditional authorities from their heritage communities to San Quintín, and from community-governance issues to the labor struggle. The traditional authorities produced the leaders of the Alliance, and those leaders recognized the need and effectively unified workers across the diverse groups present in San Quintín - including Mixtecos, Triquis, and Zapotecos. The Alliance leaders also proposed the independent union SINDJA in their strike manifesto, asserting workers' right to establish their own union even if it would not be recognized by the government until months later. However, two ruptures emerged in the workers' associational power. The consolidation of decision-making control within the Alliance around one leader and quick move by the leadership to move from the strike to the negotiating table broke open a disconnect between workers and leadership. By the time negotiations concluded, Alliance leaders turned against each other over the lack of workers'

participation. Simultaneously, women were sidelined. As one organizer explained, on the first day of the strike police arrested her, and she decided, “today is the day that we put forward our demands as women, and break the system. We have a problem of machismo...I insisted and joined the negotiations...the Alliance broke because power concentrated in three people...they excluded us” (Interview). Another organizer recalled, “I saw that I was the only woman...I invited the leaders and their spouses to dinner to get to know each other...,” and none of the Alliance leaders came (Interview). These two fissures in the labor movement weakened associational power, indicated during the events of 2015, including the de-escalation, lack of response to police intervention, and some workers reporting that their participation had little to do with the Alliance’s organizing.

Building coalitional power also proceeded in stunted fashion. The Alliance itself was an indication of early coalition building. To a large degree the Alliance brought together traditional authorities and organizations focused on indigenous rights. The traditional authorities brought legitimacy as organizers in their communities. Organizations such as FIOB helped to articulate the labor struggle as part of indigenous people’s struggle, particularly through programming on the radio Xeqin station. Several organizations across Mexico and the United States issued statements of solidarity with the workers in San Quintín.⁸⁰ However, the only mechanism applied by allies that increased the strikers’ leverage was a complaint to the US government, which, as an Alliance leader explained, sent a delegation from its Department of Labor that pressured the Mexican government to meet with the Alliance, apparently prompted by its public insistence that the Trans-Pacific Partnership treaty was designed to raise labor standards.⁸¹ The Mexican government did not fulfill its commitments made in negotiations with the Alliance with the important exception of registering SINDJA, but it did proceed to increase protections of freedom of association and collective bargaining rights through labor law reforms and its negotiation of the USMCA.

One of the main impediments to coalitional power resulted also in reducing workers' leverage through assertions of structural power. When workers went on strike, they clearly lacked the financial means to sustain the action without external support. Several organizations donated to their efforts. However, the only national unions with a local presence were the protection unions, and they were far from allies but instead targets of the strike action. The lack of robust coalitional power was also evident in the attempted boycott. Launched by the Alliance and led by allies based in the United States, the boycott never gained support of the workers it purported to help. Furthermore, with leaders of the unions SINDJA and FUJ sidelined, the effort did not translate from an announcement into a disruption of strawberry ICNs.

Without associational and coalitional power, workers were unable to leverage the little structural power available to compel managers and the government to recognize their human dignity. The labor law reforms that emerged in the years following the strike may have been influenced by it and may portend a shift of political power in workers' favor. However, the state's use of violence towards strikers in 2015, failure to investigate the reported assault and arson against labor organizers in 2019, and persistence of protectionist contracts suggest the need for substantial collective pressure from workers to hold the government to its commitments to protect workers' rights.

The outcomes of the 2015 strike fell short of strikers' demands yet have nevertheless had impacts. The wage increases have certainly not kept up with inflation nor management's productivity demands, and managers still do not register all workers in IMSS. Yet the increased compensation and registrations in IMSS meant material improvements to many workers, and demonstrated their collective power. Even workers who did not participate in the strike reported

their agreement with the action in interviews five years later. As a worker summarized, “It was good because it benefitted everyone with a wage increase.”

Power building since the 2015 strike

With the lessons from the 2015 strike, workers in San Quintín have continued their struggle for dignity. They have increasingly focused on building inclusive associational power while confronting the structural and political power of the strawberry sector. In the five years since the major strike, workers have sought to strengthen associational power and gain sufficient leverage to compel employers into bargaining. To do so, workers have sought to address four issues that they understand limited outcomes of the 2015 strike: sidelining of women in the labor movement, separation between leadership and rank-and-file, the insulation of capital from fieldworkers in agribusiness, and government prioritization of export agribusiness at the expense of workers’ legal rights.

Indicative of workers’ efforts to overcome the gendered divisions of the labor in San Quintín, women have organized fellow workers deliberately from an intersectional approach. Women United in Defense of Indigenous Female Agricultural Day Laborers (Mujeres Unidas en Defensa de Jornaleras Indígenas - MUDJI) and the Alliance of Women of Diverse Colors (Alianza de Mujeres de Diversos Colores) in particular work on the premise that identities often used to oppress them might be redirected in emancipatory directions, in their case female and indigenous identities (Crenshaw 1991: 1299). Each organizations’ founder participated in the 2015 strike and concluded that their experiences of exclusion from decision making indicated a broader problem of detachment of leaders from rank-and-file workers.

Multiple women's collectives have pushed the labor movement to address concerns in production and reproduction, inside and outside of work. As the founder of the Alliance of Women of Diverse Colors leader explained, "Beyond salary, we women demand healthcare, education, infrastructure...I insisted...I opened the door for other women to participate" (Interview). The Women's Alliance has since focused on ending gender-based violence and breaking glass ceilings by organizing women in each neighborhood to intervene in domestic abuses, creating micro-business opportunities for women (e.g. sewing clothing sold in their communities), and convincing an influential employer to open all positions to women. The MUDJI founder also encountered and is dismantling barriers in the labor movement. She was disturbed by the strike leaders' resistance to female leaders and decreasing support for SINDJA, and determined to help build the union by organizing women (Interview). MUDJI organizes women workers, in their communities, in support of independent unionization. The members convene weekly meetings in workers' homes and regular public actions. At one of MUDJI's workshops, men and women workers from their teens through their 40s listened to a SINDJA organizer present on labor laws, then discussed the legal non-compliances at their respective workplaces, and a MUDJI representative invited participants into the union. One participant reflected that getting paid according to the law "now seems impossible. They [employers] are used to robbing us. We need a union." To commemorate International Women's Day, MUDJI lifted up girls and young women with a public performance of both indigenous-based and pop-culture dances that they practice, provided public lectures and pamphlets on labor laws, and invited the crowd to participate in their union organizing efforts. Within SINDJA, MUDJI members have gained trust from fellow union leaders through their incisive participation in strategic planning and persistent work to affiliate workers to the independent union.

Understanding that many workers felt disconnected from Alliance leaders in 2015, SINDJA has since worked to develop trust among workers. As a disillusioned organizer of that strike said, “They [Alliance] don’t have credibility, because they’re people who don’t take their peers into account.” As a SINDJA leader said, “With the Alliance, we determined that our agendas don’t always overlap.” To gain trust and members, SINDJA has focused on organizing in communities with MUDJI, increasing workers’ knowledge of their rights, and representing workers in complaints to the Labor Secretariat (STPS). In the predawn hours before workers board buses for fieldwork, SINDJA and MUDJI members pass out flyers with information on legal rights and union affiliation, and talk to workers as they line up to board buses to their workplaces. After the workday, the partner organizations co-facilitate meetings at workers’ homes. To broadcast information, they use social media applications Facebook and WhatsApp. SINDJA leaders also rotate taking off work to represent workers with grievances before the Labor Secretariat (STPS). The Secretariat local officials noted that they had never seen the protectionist unions. The majority of cases concern discharges, and SINDJA has succeeded in securing backpay for workers involved. In a case in February 2020, an employer fired a worker to lower-paying tasks after she complained about the difference between the promised and paid wage rates, the employer tried to blame the worker, and SINDJA’s representative pointed out three work stoppages at the worksite in the last month, convincing the STPS of the illegal character of the dismissal and securing backpay for the worker (Interviews).

The path forward towards decent work in the strawberry fields in San Quintín is uphill. The sector provides cheap production to the North American strawberry ICN. While clear in its commitment to export agribusiness, state support for the field workers’ demands for collective bargaining are ambiguous. Under these conditions, it is clear that any changes will result from

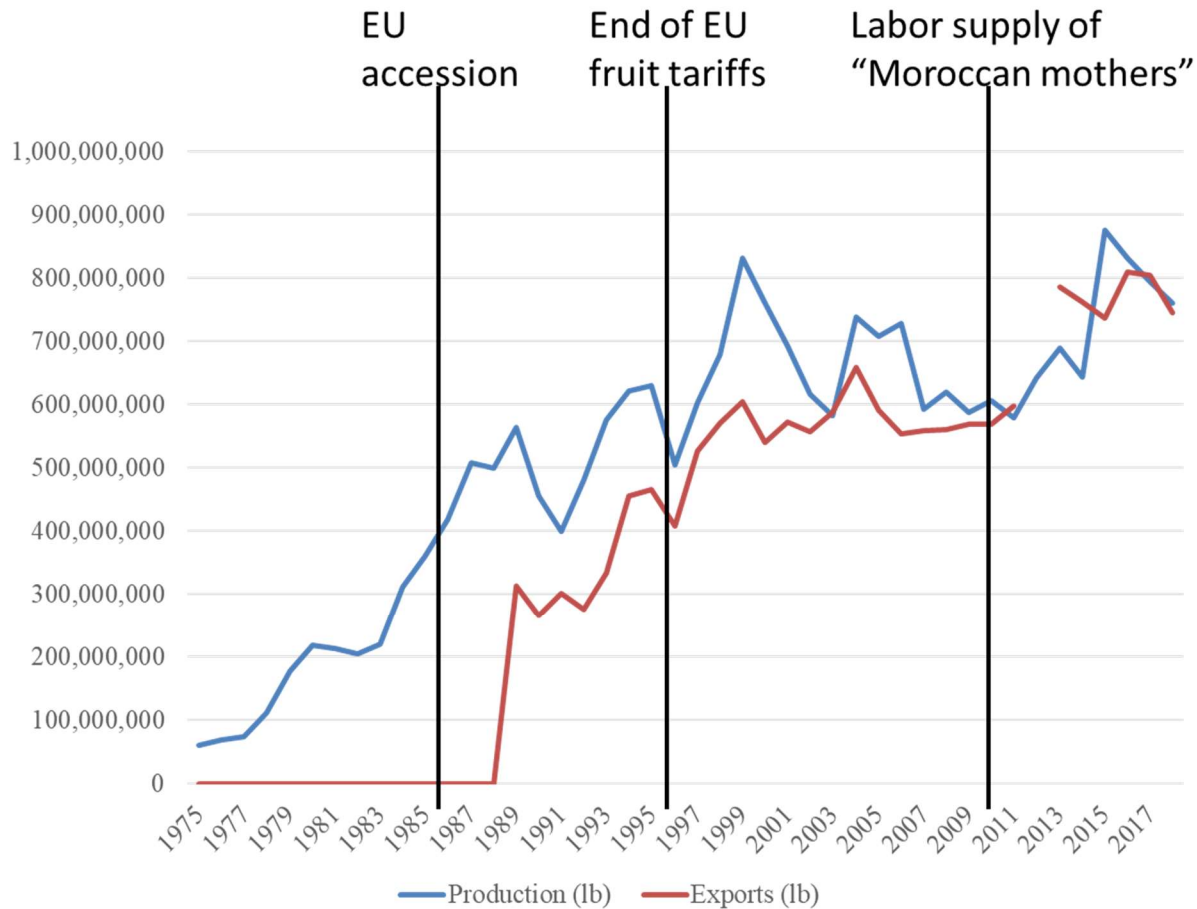
workers' associational power. It is equally evident that associational power is not inherent and is weakened by practices of exclusion, whether between leaders and workers, men and women, or potentially other social arrangements. Workers must continuously negotiate and forge associational power in the fields and communities. Recent efforts to build on the 2015 strike and commit to recognizing each other's human dignity suggest the struggle continues.

Chapter 4: Bargaining Power in the Development of the Strawberry

Sector in Spain

The strawberry sector in Spain grew since the 1980s as a regional project, in certain ways sharing characteristics of the emergence of Mexico's strawberry sector. As shown in Chart 6, production began in the 1970s, and exports began following Spain's accession into the European Union (EU). Like the Mexican sector, strawberry production in Spain grew through development projects – of the EU, Spain, and Morocco in this case – and the capture of food international commodity networks (ICNs) by retailers. Another similarity to production in the United States and Mexico, the creation of a surplus, differentiated labor market has underpinned the growth of Spain's strawberry sector. Unlike either the US or Mexican strawberry sectors, Spain's strawberry production has not been disrupted by labor in any decisive manner. Unions have variously campaigned for agrarian reform, collaborated with neoliberal rural welfare programs, negotiated with organized employers, and lobbied the Spanish state and the EU. Worker advocates have filed numerous complaints. Media exposés have illuminated the darkest treatment of workers within the sector. Yet most workers harvesting strawberries in Spain have no meaningful voice at work, receive wages below the legal minimum wage, and are employed precariously at management's discretion.

**Chart 6:
Strawberry Production in and Exports from Spain and Frontier-Expanding Events**



Sources: Author’s compilation of data from FAOSTAT 2021; UN Comtrade 2021; Saverio Caruso 2017; Cabrera and Uclés 2013; FIDH 2012

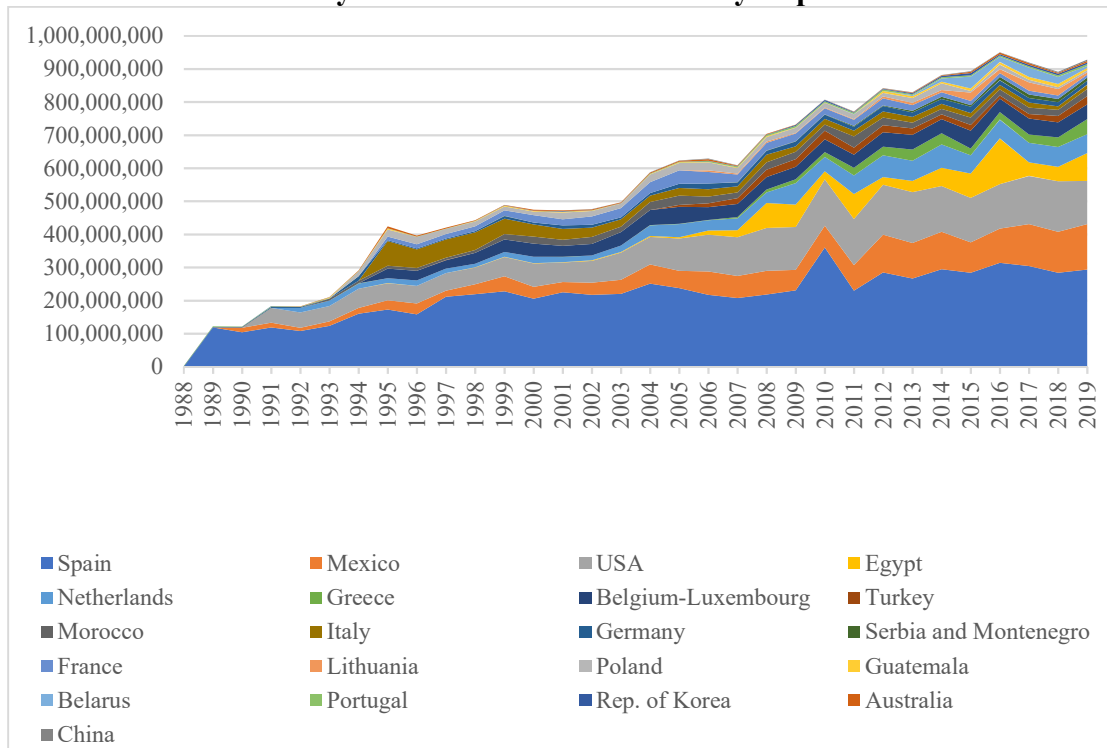
This chapter analyzes bargaining power in strawberry production in Spain. Through analysis of the structuring of the sector, it identifies sources of management’s bargaining power. International commodity network (ICN) analysis illuminates direct employers unable to pass on higher costs to input suppliers or buyers, able to replace workers, and sustaining low wages and control over workers with the help of an immigrant worker program and under-enforcement of labor laws. The chapter then considers labor responses to employment terms and conditions in the sector, identifying the sources of labor’s bargaining power. It argues that the inability of labor to

gain voice in Spain’s strawberry sector reflects a disconnect between labor activists, including unions, and workers. Considered against the model of dignity-based building of bargaining power, the absence of workers as protagonists in contestation with management contributes to the persistence of degrading conditions. The labor movement has yet to find a means of countering management’s control over the labor force organized specifically for production of strawberries ordered by European retailers.

Learning Sources

To consider bargaining power in strawberry international commodity networks (ICNs), analysis of production in Spain is essential. Since its first exports in 1988, Spain has led world strawberry exports, of which it accounted for 30.9% in 2019 (Chart 7).

Chart 7: Country Shares of World Strawberry Exports 1988-2019



Source: Author’s calculations with data from UN Comtrade

Fieldwork planned during the harvest in Spain was postponed by the COVID-19 pandemic and associated travel restrictions twice, in 2020 and 2021. Instead, I conducted remote communications and consulted secondary literature. A total of ten semi-structured interviews were conducted with workers (1), union leaders (5), academics studying labor relations and the strawberry sector in Spain (4). All interviews were conducted in Spanish, audio recorded, transcribed by the author, coded and analyzed manually. Outreach to additional workers and to managers and their business associations was unsuccessful. As a result of direct data gathering challenges, I relied on secondary literature on the topics of the strawberry sector, labor relations, and migration in Spain, its neighbor Morocco, and the EU.

Management's source of bargaining power in the production of strawberries in Spain

The position of Spain, specifically the province of Huelva in the autonomous region of Andalusia, as the world's dominant strawberry export source has been co-constituted through economic, political, and social forces. It is a product of the intersection of retail capture of contemporary food ICNs, national and regional development projects – of the EU, Spain, and Morocco, and evolving and deliberate construction of a gendered, racialized ideal type of labor. As displayed in Chart 6, the strawberry sector began in the 1970s with small producers self- and family labor exploitation, began supplying ICNs with the market access gained through Spain's EU accession, accelerated with final removal of tariffs for EU trade of berries, and boomed again by obtaining a highly controlled labor supply at the center of which are mothers from Morocco hired through the immigrant worker visa program known as contracting-in-origin (*contratación en origen*).

Integration of small producers in Andalusia into ICNs led by European retail

The geography and climate of Huelva provide naturally appropriate conditions for strawberry cultivation, and economic and political policies drove the emergence of the province as the source of much of Europe's strawberries. Huelva is situated along Spain's southwestern Atlantic coastline, providing the modulating effects of ocean air, temperate winters, and sandy soils in which in which strawberry plants thrive. The province produces about 90% of strawberries produced in Spain. Throughout the 2010s, between 80% and 85% of strawberries produced in Spain were exported (UN Comtrade). Approximately one-third went to Germany during this period (UN Comtrade). Transportation to Europe's largest markets, e.g. Germany, is easier from Spain by truck than Egypt, the world's fourth-largest strawberry exporter, where firms rely on costly air transport.

Organization of land for strawberry production in Huelva reflects shifting development approaches of the national state. Huelva is located in Andalusia, where the turn towards capitalist property rights was marked by the Catholic church-funded military defeat of the Emirate of Granada in 1492 by the kingdoms of Castile and Aragon, whose unification led to the contemporary Spanish state (Hopkins & Wallerstein 1977: 124). Yet agriculture remained primarily a local system for centuries. The Second Spanish Republic legislated redistribution of land, a process halted by the Civil War, and reversed in the first year of the dictatorship of General Francisco Franco (1939-1975), when most of Andalusia was returned to large estate owners (*latifundistas*) (Barciela 1996). The Franco administration supported the construction of more than 600 dams, most with financing facilitated by the US government between 1955 and 1970 (Swyngedouw 2007). Under the dictatorship's autarchic economic development approach, the

dams provided electricity for industry in the North, and irrigation in Andalusia and the South, primarily for grain production. Estate owners benefited with increased land holdings and subsidized irrigation, paving the way for integration with international commodity networks (ICNs).

Since the 1970s, land concentration and state subsidization of food production have continued under a new, regional, financialized development approach. Financing primarily from the national bank, Credit Agricole, declined in the wake of the 1970s international financial crisis and pressures for budgetary austerity from the emerging European Union (EU), and international financial firms like Rabobank of the Netherlands grew into primary creditors of agribusiness (Marsden & Whatmore 1994: 118). Spain's accession to the EU in 1986 and the phase-out of tariffs on strawberry trade in the EU by 1986 oriented production towards exports (Chart 6). These are among the policies that set up the emergence of regional strawberry ICNs. As Alessandra Corrado, Carlos de Castro, and Domenico Perrotta document (2016: 1-24), since the 1990s increased domination of food sales by large retailers and related consolidation in production, specialization in intensive production of fruits like strawberries, and increased use of technologies such as greenhouses, agro-chemicals, and genetic modification have organized food ICNs in Europe and around the Mediterranean in ways that control the flows of labor, products, and capital. Within European food ICNs, Huelva's strawberry export sector has been organized as contract production supplying Europe's dominant retailers.

As in other countries around the Mediterranean, average farm size increased in Spain from 1990 through 2010, from 15.4 to 24 hectares (Corrado et al. 2016: 9). Fruits and vegetables grew to account for 27.6% of agricultural production in Spain by the end of the 2010s (Camanzi et al. 2011: 330). Spain's strawberry production is managed predominately by hundreds of companies

leasing land from large landowners (Reigada Olaizola 2012, 2013). Most are members of production organizations (POs). The 2007 reform of the EU's Common Market Organization provided supports for POs to mitigate the bargaining power imbalance between small production companies and the larger companies providing inputs and leading sales of the final product (Arcadia 2019). In Spain, POs cover 71% of fruit and vegetable production, and primarily provide technical assistance, marketing, storage, packaging, and transportation services (Camazi et al. 2011). Some POs operate as cooperatives, others as business associations. The cooperative Fresón de Palos was established in 1982, reported \$28 million in 2019 revenue, and has 150 members managing 5,000 workers to produce 70,000 tons on 1,200 hectares (Orbis; Frésón de Palos). The cooperative Cuna de Platero began in 1988, reported \$116 million in 2019 revenue, and produces 46,000 tons on 600 hectares (Orbis; Cuna de Platero). The two firms account for approximately one-third of Spain's strawberry production.

The POs in Spain's strawberry sector represent the production companies in their exchanges with input and output markets. Initially, the production companies purchased strawberry cultivars bred and with intellectual property owned by the University of California (Reigada-Olaizola 2011). Over the last decade the private companies Viveros California (in Spain) and Nova Siri Genetics (in Italy) have bred and sold more of the cultivars used (Fresh Plaza 2019b). Viveros California had \$14.3 million in annual sales in 2019, Nova Siri \$1.57 million (Orbis 2021). The crucial transportation of strawberries is a service purchased from companies such as Betrex, which had \$6.73 million in sales in 2019 (Orbis 2021). The organization of POs clearly amasses capital, as in the cases of Frésón de Palos and Cuna de Platero, even while they are dependent on a few breeding companies for plants, and much larger companies for inputs such as fertilizers and other agro-chemicals.

Strawberry production companies of Huelva demonstrate their associational power in part through lobbying for support from the Spanish government and EU. The main association is the Agrarian Association of Young Agriculturalists (Asociación Agraria Jóvenes Agricultores de Huelva, ASAJA). Demonstrating their role, just prior to the COVID-19 pandemic in March 2020, ASAJA led its members to block a highway between Huelva and the largest Andalusian city, Sevilla, to demand financial support. The association released a speech by its representative, saying “the ridiculous prices” and “the very high and unjust costs,” “unfair competition,” and the “politics that have supported cohesion and competition in European agriculture” “weigh on us and suffocate us” (Fresh Plaza 3 March 2020). The action indicated the associational power of the production companies, directed towards influencing national and regional policies. In fact, the European Common Agricultural Policy supports grain, dairy, and meat sectors more than the fruit and vegetable producers that are concentrated around the Mediterranean (Corrado et al. 2016). ASAJA’s collective action also underscored the sector’s competition. A strawberry cooperative manager reported already in 2011, “Before, ten or fifteen years ago, everyone would earn money...the workforce did not have the costs that is has now; second, there was not so much strawberry and, therefore, the sector was more competitive” (quoted in Reigada-Olaizola 2011: 27-28). Competition includes exports to the EU from Egypt and Morocco, which have increased substantially since the mid-2000s (UN Comtrade).

More than 80% of strawberries produced in Spain are exported (FAOStat; UN Comtrade). The lead firms of the strawberry ICNs to which Huelva producers are suppliers are oligopolistic retailers. Across Europe and countries around the Mediterranean, “large retailers’ share of the food market grew” from the late 1990s into the 2010s (Corrado et al. 2016). At least 73% of Spain’s overall fruit and vegetable production is marketed to fresh markets, with the rest sold to processing

companies or processed by POs (Camanzi et al. 2011: 343). In Spain, supermarkets and “big-box” retailers accounted for approximately 89% of food sales in 2019 (ANGED 2019: 39), led by Mercadona, Carrefour, Eroski, Auchan, and Dia (Díaz-Giménez et al. 2012). For strawberries, however, the lead firms are the dominant retailers in the main destinations. In Germany, the main destination which imported one-third of strawberries from Spain in the last decade, Aldi and Lidl accounted for more than 40% of food sales during this period. (O’Brady 2021). Throughout the 21st century the shares of largest retailers has increased (OECD 2013). To put into perspective, the estimated \$650 million value of the entire strawberry sector of Spain is 0.5% the annual revenue of Aldi’s parent company, Schwartz Group.

The position of strawberry production companies in Huelva in European food ICNs implies limited flows of capital through production, where labor is concentrated. The production companies tend to not own their land, purchase cultivars from a few companies, and buy other inputs from much larger companies. Thus, they have little capacity to cover higher operating costs by reducing input costs, i.e., their fixed capital supplies are relatively elastic. On the other side, they sell the vast majority of strawberries to a small number of retailers that are among the largest worldwide. In this position, they have little capacity to increase prices. As ASAJA’s 2020 protest indicates, strawberry production managers turn to Spain’s government and the EU for support. In the context of prioritization of other agricultural sectors in the EU and austerity policies at both the regional and national-state levels of government, the primary support that has been provided is a low-cost, reliable supply of labor.

The organization of highly commodified labor power used by Spain's strawberry sector

The turn towards employment of certain mothers from Morocco for Huelva's strawberry harvest is the most recent marker in the development of the sector (Chart 6), because it indicates the ongoing construction of a highly commodified supply of labor power at the precise time and location needed to maximize output and minimize operational costs. In his study of the function of migrant labor, Michael Burawoy (1976) emphasized the combined use of political and social institutions to differentiate labor in order to increase exploitation, and the reliance on national states for managing the externalization of the costs of labor reproduction. The dynamic is evident in Huelva's strawberry sector. As price takers from input suppliers and output buyers, with associational power but national and supra-national state actors not able or willing to balance power between companies in the ICNs, production companies in Huelva have maintained their competitiveness and growth through their ability to super-exploit labor. The Spanish and Moroccan states and EU have supported them with immigration policies and programs that empower employers to differentiate workers according to their legal rights and assigned gender and racial subjectivities.

Strawberry production in Huelva began in the 1970s and 1980s with the use of family and internal migrant labor. Production managers, their wives, and children worked alongside hired workers who moved with the harvests throughout Spain, primarily Andalusia (Reigada Olaizola 2012, 2013). As she explained in an interview, Nina began working as a migrant agricultural worker in 1988 at age 16, alongside her parents, their boss and his wife, whose children to-date worked alongside Nina in 2020. Many of the "*freseros*," the strawberry production managers, come from the working class, having worked in agriculture, construction, and/or fishing prior to starting in strawberry production (Reigada Olaizola 2011). A patriarchal organization of labor with

a male production manager dominating labor, then by his family members and hired local migrant workers, became legible in this early period (Reigada Olaizola 2012, 2013). The strawberry sector integrated into European ICNs as a competitor with Egypt, Greece, and Morocco – Spain’s neighbor across the Gibraltar strait where wages are an eighth the rate in Spain (Martin 2016:27), and employers sought more control over labor costs and predictability.

Employers in Huelva did not lack workers. The unemployment rate in Andalusia between 2002 and 2021 averaged 23.8%.⁸² Employment contracts under Spanish law may be permanent continuous, permanent discontinuous, or temporary. In Andalusian agriculture, despite more than 90% of contracts extending longer than one month, 84.8% are temporary (CC.OO. and UPM 2018: 51). A 2005 study found no adverse effects of immigration on employment and pay in Spain, likely due to the already existing surplus of labor available in the country (Carrasco & Ortega 2005). Employers sought control. Spaniards could travel throughout Europe for work since their national state became an EU member, and citizens of EU member states gained rights to reside and work legally in Spain and throughout the regional bloc. Immigrant labor provided another labor supply, used increasingly for managerial control over all strawberry field workers. A confluence of political, economic, and social forces shifted Spain’s strawberry sector towards a constructed ideal type of labor preferred for docility, embodied by mothers from Morocco.

Immigration to Spain changed in scope and forms of control in ways benefiting the strawberry sector’s control over labor and costs. The number of immigrants registered by the Spanish government increased nearly six-fold, from 924,000 to 5.4 million between 2000 and 2010 (Carrasco & Ortega 2005). Spain’s accession into the EU changed its border policies from relatively free human movement into and out of Spain to a tighter flow controlled primarily by national states and with participation by the EU (Achón Rodríguez 2018). EU membership

involved the two-fold opening of EU member state borders to citizens of Spain to pursue livelihood opportunities elsewhere, and commitments to stricter human flows across borders with non-EU members states by Spain and others along the EU periphery. Between 2000 and 2015, Spain increased the threshold for agricultural workers to receive unemployment benefits from 35 to 270 days of work in agriculture (Martin 2016:26-27), in the context of high unemployment, making seasonal agricultural work an untenable option for most living in the country. Meanwhile on just the other side of the EU border, governments were restructuring under programs designed and overseen by the IMF that included liberalizing national accounts, privatization, austerity, and shifting economic activities towards exports. In Morocco, the government implemented seven IMF-led structural adjustment programs, which increased national income by increasing exports but did not employ the increased supplies of labor that resulted from land concentration and displacement (Currie and Harrison 1997; Harrigan & El-Said 2010). Morocco's unemployment is officially 10%, 14.7% for women, yet 50-60% of the officially employed work in the informal sector, and even in the formal sector the national minimum wage hovers at the national poverty line yet is generally unenforced (Haut-Commissariat au Plan 2018; ILO 2015; World Bank 2016). Work in Spain's agriculture industry can increase income up to six times for women from Morocco (Martin 2016: 28). Tightening human movement across the EU political border with Morocco has contributed to differentiating labor into increasingly more defined groups, sustaining the competitiveness of Spain's strawberry sector with low-cost labor.

While a historical phenomenon, European efforts to differentiate themselves from others for economic utility has sharpened in recent decades, and supported the strawberry's sector's low-cost labor supply. Notably, people in Andalusia and Morocco have as much history within the same political boundaries as on opposite sides, a historical interaction that Spain's EU accession

helped to push out of popular imagination (Suárez-Navas 2006). Even in the 1980s, Moroccan immigrants worked in the strawberry harvests alongside then mostly Spanish citizens (Hellio 2016). Furthermore, throughout mid-20th century, northern European countries recruited Spanish citizens under bilateral immigration/labor supply programs, e.g. between Spain and Germany in 1960, and France in 1956. A process of racialization over the subsequent decades supported the strawberry sector to continue growth, echoing the process of hiring labor and soldiers from outside by emergent bourgeoisie of Europe in the Middle Ages (Robinson 2000: 9-28), and drawing on the colonial dynamic from Spain's occupation of part of present-day Morocco from 1912-1956 (Hellio & Moreno Nieto 2017). Since the enactment of current immigration laws by Spain since the 1990s, citizens of Spain have reportedly identified more and more as white and increasingly attributed negative attributes, such as criminality, to citizens of Morocco and other North African countries (Suárez-Navas 2006; Calavita 2010).

“Contracting-in-origin” (*contratación en origen*) programs provided the state-backed mechanism through which labor has been differentiated according to legal status, race, and gender in Spain's strawberry sector. In 2000, the Spanish government enacted a “Law on Foreigners” (4/2000) that established the legality of employers to contract workers from outside the EU for limited durations, after which the workers' residence and work permits would expire (Hellio & Moreno Nieto 2017). Drawing on the priors of ages old European othering of peoples from outside for labor, recent history of Spanish colonial presence in Morocco, and the gendered division of labor observed in early years of the strawberry sector, these programs transformed legacies and norms into policies. Two initial programs began following the legislation. The Huelva-based company Fredesloc expanded production into Loukkos, Morocco, and starting in 2000 recruited Moroccan workers to harvest its strawberries in both locations. The municipality of Cartaya in

Huelva and National Employment and Training Agency of Morocco (ANAPEC) collaborated to recruit Moroccan workers for the harvest as well. With a €1.5 million grant from the EU, ANAPEC and Cartaya continued between 2005 and 2008. With a €5 million European Commission grant to ANAPEC, that program was replaced by the Foundation for Foreign Workers in Huelva (FUTEH). A former employer and then official with the Cartaya Office for Foreign and Seasonal Workers explained the immigration labor advantage for employers:

“[A] contracted labourer from a non-EU source can only work in Huelva while the Romanian goes where she wants. That’s why and how businesses gradually convert their labour. [I] run such a business: I had Romanians, who are EU citizens, coming to work here. In the days following, there might be work elsewhere, in a bar for instance, and she leaves me. Not the Moroccan one, she has to work in agriculture” (quoted in Hellio 2011: 143).

Under the programs, employment responsibilities are shared. Contracts are to be 3-6 month fixed term durations, with set pay rates and hours, an overtime pay rate, one day off per week, and transportation, accommodations with adequate water, electricity, and sanitation, and medical insurance provided to the workers (FIDH 2012: 12, 20-21). In the FUTEH, ANAPEC, Cartaya, multiple employers associations, the trade union Laborers Commissions (*Comisiones Obreras* CC.OO.), and NGO Consortium for the Integration of Migrants (CEPAIM) participate (FIDH 2012: 24). The program also allows the CC.OO. and General Workers Union (*Unión General de Trabajadores*, UGT) to visit accommodations provided (*Ibid*). The employers are required to cover accommodation costs and, if they terminate a contract within a 15-day trial period, to pay for the workers’ transportation home. The Moroccan government agency ANAPEC manages the recruitment process and covers some costs. As an ANAPEC official reported, “The farmer...remains relaxed. He knows, every year when he needs women, he will get them. We will take care of his labour supply” (quoted in Hellio 2011).

However, legal status proved insufficient for employers, who, with national-state support, mobilized racialized and gendered hierarchies to approximate the fully commodified labor sought. Under the first two programs, a large number of recruits dispersed throughout the EU upon entry into Spain, reportedly 90% of those hired through the ANAPEC-Cartaya program (Hellio 2011: 145). Employers and government agencies reorganized with new criteria, and managed to reverse the trend, resulting in 97% of recruited workers sent home after the harvest by 2009 (FIDH 2012: 20-21). After employers' initial problems retaining workers, the programs adopted criteria to hire women from rural areas of Morocco between the ages of 18 and 45 who are married, widowed, or divorced and have children under age 14 (FIDH 2012: 26).

As the recruitment criteria highlight, state officials and employers mobilized racial and gender constructs to establish the particular type of labor demanded by the strawberry sector. Almost all immigrant workers employed are women. A male manager of strawberry production in Huelva demonstrated the notion of gender assigned to female workers:

“Why women and not men? Well, it’s very simple. First, the women have more endurance than the men. The woman has more capacity to suffer than a man. The woman is more docile than a man. The woman is more selective than a man... The women are more serious; the men are more mischievous than them” (quoted in Reigada Olaizola 2013).

The contracting-in-origin program differentiates the labor market for employers. Initially, employers hired women from eastern European countries, especially Poland, Romania, and Bulgaria (Martin 2016). However, through EU accession by Poland in 2004 and Romania and Bulgaria in 2007), the advantage of their citizens to employers in Spain declined, because they could legally work and reside in Spain and other EU member states. Some employers determined that mobility made the Eastern European women too demanding and began to attribute an innate

submissiveness to women from Morocco (FIDH 2012: 13). While reports differ, the share of the workforce for Huelva's strawberry harvest comprised by Moroccan mothers may have risen as high as 85% in 2010 and was approximately 26-27% in 2019 and 2020 ((FIDH 2012: 20; Cabanillas 2019; Altimira & Badia 2020a; Interviews). As much as half of the workforce is from Spain's Andalusia region – including citizens and naturalized immigrants from African countries with a decade or more of residency in Spain, and another 23-24% is from Romania and Bulgaria – all groups all with legal rights to move locations and employers. Farmers have also reported that they think Moroccan culture makes women from the country more docile (FIDH 2012: 13). The only non-European, male contingent is comprised of immigrants from African countries, whose ostracization in Spanish society is illustrated by their unemployment – about 1 in 6 Moroccans in Spain had never found employment as of 2016 (Martin 2016: 26) – and living arrangements, in shantytowns regularly disrupted by authorities. For example, in June 2021, police removed solar panels installed for phone charging and light at a workers' camp by the Andalusian Workers Union (*Sindicato Andaluz de Trabajadores, SAT*) (*La Mar de Onuba* 11 June 2021). A Huelva employer said bluntly of men from Morocco, "They don't want to work..." and of women from Morocco, "they are people who know how to work" (Quotes in Reigada Olaizola 2013: 225). As Emmanuelle Hellio and Juana Moreno Nieto (2017: 33-34) observe, "The adequacy of the laborers for the job...tends to be justified through a naturalization of feminine capacities and/or a reification of the Moroccan culture, perceived as behind and patriarchal by some Spanish employers."

For strawberry production companies, the contracting-in-origin program provides employers control over workers. The employers finance buses to transport the immigrant workers from Tarifa, the Spanish port of entry from Morocco, require bus drivers to avoid stopping for fear of workers dispersing, and provide Spanish authorities with the workers' personal information to

ensure they are refused legal status should they leave for alternative livelihood activities (Hellio & Moreno Nieto 2017: 35). Employers also provide accommodations on or near their production facilities, isolated from populated communities, and some retain passports, withhold pay until the end the contracts, and tell the workers that previous “fugitives” returned because of lack of better alternatives (*Ibid*). According to an ANAPEC official, the workers are bound to the employer with their contract, and only employers can arrange with the government authorities to transfer workers to another employer (Hellio 2016). As a strawberry production manager explained,

“Thanks to the contracts in origin, everything is functioning. If right now all the foreigners that are here in Palos had their papers, the campaign would end already, because then my women would say, ‘Javier, here there is little fruit, and I’m going to go to Lérida to the oranges, or to Murcia to the tomatoes...As they have their papers, you cannot stop them. What do you do? You have to take up the strawberry. On the other hand, to have a contract in origin, they know that until the boss says, “The campaign is over,” they cannot leave. That is the advantage” (quoted in Reigada Olaizola 2013: 215).

By supplying part of the strawberry harvest workforce, the contracting-in-origin also empowers employers by segmenting workers. Employment of workers selected for their approximation to the ideal ‘docile’ type "creates a controllable, flexible, discardable workforce" (Hellio & Moreno Nieto 2017). The majority of women hired through the contracting-in-origin program are from the Gharb region and have experience as waged workers in the wheat, barley, and durum harvests (Reigada Olaizola 2013: 215). Yet their function is not to satisfy a labor demand but a labor control challenge. Huelva strawberry employers have arranged contracts in origin and then not employed workers with them, as done in 2008. In an interview, union organizer Óscar Reina said of the 2020 harvest, “The pandemic exposed the labor-shortage lie. Employers have long claimed a labor shortage. The pandemic led Morocco to close its border with Spain, fewer workers were brought under the ‘contract in origin’ program, employers hired local workers,

and production levels were maintained.” While sectoral data through 2020 are not yet available, national records show a 2.0% growth in production and 3.9% growth in value of fruits in Spain (MAPA 2021). Employers in Spain have paid an estimated 30% lower wage rates to immigrants from outside the EU than citizens (Martin 2016: 26). Further indicating employer’s use of immigrants to gain control over labor costs by sustaining a surplus supply, a study for the ILO reported that underwork was the main concern of in contracting-in-origin programs is insufficient work, creating competition between workers (Martin 2016). The strawberry workforce is also geographically separated. Citizens live in formalized towns and cities; naturalized immigrants live in shantytowns situated remotely to avoid disruption; and workers under contracting-in-origin programs reside on or near the employer’s property. Furthermore, the differentiated workforce works against collective action by labor. Workers hired for less than six months, as in the strawberry sector, are ineligible for election to union positions; residing immigrants are easily blacklisted; and the contracting-in-origin program facilitates blacklisting by simply not rehiring labor agitators.

In terms of bargaining power, the constructed surplus labor market provides production companies in Spain’s strawberry sector with control over labor costs to compete for their share of the European sales markets. Direct subsidization by the national state declined with the emergence of neoliberal policies in Spain and the EU. While EU supports continue for agriculture under the CAP, immigration policy sustains the competitiveness of Spain’s strawberry sector. Prior to ASAJA’s protest in 2020, researchers have documented the falling margins and increasing preoccupation with prices and costs since the 2000s in Huelva’s strawberry sector (Vega Jiménez & García Machado 2003: 155). Production companies leasing land from estate owners, purchasing inputs from oligopolistic suppliers, selling berries to oligopolistic food retailers, and reliant on

manual labor at the precise time of the harvest are maintaining profitability by employing the labor power of workers in a flooded labor market differentiated by legal mobility rights and normalized gender and racial hierarchies. While a floor of employment terms and conditions might counter the labor-market effects, the labor law and social security system is providing employers in Spain's strawberry sector more labor management flexibility.

Exits from legal and collective bargaining regulations

Spain's employment and collective bargaining systems have provided mechanisms for workers to participate in the rules to which they are subjected. However, these mechanisms have functioned less in recent years, with effects evident in the strawberry sector.

The laws establish employment regulations and exit options for employers. Labor law is established primarily in the Labor Code (*Guía Laboral*) and Workers Statute (*Estatuto de los Trabajadores*), both enacted by the national legislature in 1995. Autonomous communities such as Andalusia can add to but not detract from the national laws. The Code stipulates a maximum 40-hour workweek, a national minimum wage, overtime payrates or rest compensation, and employer contributions to the social security system. However, under a "Special Agricultural Regimen" enacted in 1977, the "effective workday" (*jornada real*) allows employers to under-report hired labor workdays each month to the social security administration. For example, an employer might report 15 instead of 25 days by a hired worker in the previous month. The law recognizes verbal contracts, interprets illegally written contracts as permanent, and empowers labor inspectors to require an employer to convert contracts to permanent status, but inspections are uncommon (FIDH 2012: 18-19). Terminations of employment contracts have to be justified with disciplinary or economic reasons; however, a series of labor law reforms between 2010 and

2012 expanded the definition of “fair economic dismissals” and reduced severance payments for unfair dismissals (Jimeno et al. 2020). Labor courts and alternative-dispute-resolution channels are institutionalized. The Extrajudicial System of Labor Conflict Resolution of Andalusia provides conciliation, mediation, and arbitration services in Huelva and throughout the autonomous region. Furthermore, workers with EU residency and employment status and immigrants can apply to courts to uphold their rights in cases of discrimination, and immigrants who are victims of gender-based violence can apply for residential and work permits. Labor courts, however, are notoriously slow, particularly problematic for seasonally employed workers, and both judicial and alternative channels are complaint-based systems, disincentivizing workers who have reason to expect retaliation, such as immigrant workers in the strawberry sector.

While the legal regime provides employers certain exit options, under-enforcement of applicable laws is the predominant concern among workers and unionists active in Huelva’s strawberry sector. A 2012 report stated, “In the opinion of all trade-union representatives who met with the mission, labour inspections in the agricultural sector are insufficient, if they exist at all” (FIDH 2012: 23). Nina, the aforementioned worker with decades of experience, explained that she works exclusively at one company, because there the boss is “like family” and complies with the laws. A unionist said in a 2020 interview, “when there’s an inspection, the workers all know, and the owners know; it’s a farse. We’ve demanded a system of inspections, and they haven’t done it.” Under reporting workdays to avoid social security payments is apparently widespread (Interviews; FIDH 2012: 25). Another unionist highlighted the low contributions to the social security system, reporting, “The Social Security Ministry’s (*Ministerio de Inclusión, Seguridad Social y Migraciones*) public records of the workdays reported by employers show no change in the same years that the Agricultural Ministry reports major increases in exports.” Furthermore, the practice

of withholding passports of workers hired through the contracting-in-origin program violates national law as well as prohibitions of forced labor in ILO Convention 29 and the International Convention on Civil and Political Rights.

Spain's collective bargaining regime favors high-level agreements between employers, unions, and government authorities. Some describe the system as a "Latin model," referring to multiple union confederations with diverse ideologies, high levels of collective action, and low levels of union membership and institutionalized agreements (Rojo Torrecilla 1990; Koehler 2008). Representational structures include union delegates, required at companies with 10+ employees, and works committees at companies with 50+ employees. The delegates and committees have rights to information on finances, contracts, and sanctions against the employer, to consultation on terminations, personnel organizational changes, training, job classifications, and bonuses; and responsibilities to monitor labor law compliance and cooperate on productivity enhancement (Koehler & Calleja Jiménez 2013). However, a worker must be employed more than six months to be eligible for delegate and committee elections. Unions gain rights to sign binding collective agreements and participate in tripartite dialogue by winning more than 10% of delegates at the national level or more than 15% at the regional or autonomous-community levels. The General Workers Union (*Unión General de Trabajadores*, UGT) and the Workers Commissions (*Comisiones Obreras*, CC.OO.) are the only unions that fulfil the national-level requirements, while unions in Basque Country and Galicia are the only ones that fulfil the regional requirements in their respective regions (Koehler 2018: 729). Unions with delegates above these "super representation" thresholds also receive funding and access to the government (Roca Martínez 2014).

The legal system contributes to managerial discretion in the strawberry sector. The production companies face little enforcement, and workers have limited access to remediation mechanisms, particularly given employers' ability to retaliate by replacing workers. The labor relations system inclines unions towards national and sectoral concertation, and limits participation of seasonal agribusiness workers. Combined with the surplus, differentiated labor supply, workers harvesting strawberries in Huelva encounter employers with few constraints on their employment practices and, as price-takers in European strawberry ICNs, peaked interest in low labor costs.

Workers Bargaining Power in Spain's Strawberry Sector

Workers in Spain's strawberry sector have low levels of bargaining power with their employers. The organization and reproduction of a differentiated, surplus labor market reduces their strike leverage. Neither local, residential immigrants, or contracted-in-origin workers have significant alternatives for income or savings that could support them in risking a job in the strawberry sector. Employers can easily replace assertive workers, and blacklist workers from the contracting-in-origin program. Under enforcement of labor regulations increases employers' discretion over employment practices. Furthermore, the surplus labor market pits workers in competition for needed income, and separations of workers by legal status, residential location, and language reduces the interactions necessary to engage in collective counter action. In this context, unions have yet to find a means of building sufficient associational power to assert any structural power or establish meaningful institutional power in the sector.

In the period of the strawberry sector's rapid growth, since the late 1990s, unionism has shifted and struggled to build power in Spain's changing labor market. Nationally, a membership base in manufacturing shifted to the services industry (Koehler 2008: 17). A diversity of active unions increasingly consolidated in the CC.OO. and UGT, and differences between the two gave way to a focus on employment protection (Richards 2008). Particularly since 2000, the two national union federations have sought job security through compromises with the national state, led throughout the 2000s by the neoliberal Popular Party (*Partido Popular*, PP) and Spanish Socialist Workers' Party (*Partido Socialista de Obrero Español*, PSOE) (Richards 2008). Some observers argue that Spain's national employment and welfare systems combine with national union strategies to produce a dualized labor market, characterized by relatively high pensions for 'insider' workers and, despite relatively low-income levels across the board, highly precarious employment for 'outsider' workers, who are overwhelmingly young, female, and/or immigrant (Rueda 2005, 2014; Hausermann & Schwander 2014). Others argue that low levels of union representation of youth, women, immigrants, and part-time workers eroded the legitimacy of the two national unions, leading to a resurgence of more radically oriented organizations throughout Spain (Richards 2008; Koehler 2018).

Radical unions have been active in Andalusia for decades, had some influence, yet have not built sufficient bargaining power to contest the hegemony of the national unions, much less employers and national and regional governments (Roca Martínez 2014). The anarchist-syndicalist union National Confederation of Labor (*Confederación Nacional del Trabajo*, CNT) refused participation in the national union delegate election system and focused on direct action, including leading a strike of olive workers outside of Andalusia's largest city, Seville in the late 1970s (*Ibid*).

A breakaway group from the CNT formed the General Confederation of Labor (*Confederación General de Trabajo*, CGT) in the late 1980s and organized 80,000 members, primarily in urban areas of Andalusia. With a communist, Andalusian nationalist orientation, the Union of Field Laborers (*Sindicato de Obreros del Campo*, SOC) emerged during Spain's transition to representative-democratic government and focused initially on agrarian reform. At times, the unions collaborated, including a 40-day strike that halted all agriculture in the province of Seville in the early 1990s, led by SOC, CNT, and CC.OO. The SOC gained a reputation for prioritizing gender equity, reduced working hours, and subsidies for agriculture and for direct action, including occupations of farms, city halls, and highways. During a five-year period in the 1980s, 1,654 direct collective actions were recorded. Authorities regularly arrested and charged SOC leaders involved. In response to the SOC push for agrarian reform, the Andalusian government created the Rural Employment Plan (*Plan de Empleo Rural*, PER), which provided a subsidy to unemployed persons, created public administration jobs, and offered technical training, and brought the SOC on board to administer it. In 2007, the SOC changed names to Andalusian Workers Union (SAT), to engage workers in the growing services sectors. Current SAT leaders described their vision in interviews, "All we want to do is give voice to the voiceless;" "[Our] goal is dignify workers." While the SAT has few resources, its members contribute €6 per month in dues; it receives donations; and it has maintained approximately 20,000 members in recent years (Roca Martínez 2014; Interviews).

In Huelva's strawberry sector, the CC.OO. negotiated the current Collective Agreement for the Fields of the Province of Huelva" (*Convenio Colectivo del Campo de la Provincia de Huelva*) with the employer association ASAJA, in 2018 (Junta de Andalucía 2018). The sectoral agreement covers all workers employed in agriculture in Huelva. It establishes a maximum of 39

hours per week, 75% premium pay for overtime hours, hiring preference for workers with experience, a prohibition of employing workers under age 16, a protocol for the prevention and action in cases of sexual assault, that conflicts are to be resolved through the Andalusian arbitration system, and a €41.20 daily wage rate for strawberry harvesting. Notably, the agreement is silent on occupational safety and health, and the wage rate is set below the national daily rate of €46.⁸³ The UGT had sufficient delegates to participate in negotiations that led to the agreement but did not sign the agreement in protest. The sectoral bargaining is likely strategically advantageous to workers in strawberry production, because it avoids a situation in which employers outside of collective bargaining can set a wage ceiling. However, unions and human rights advocates have pointed to disconnects between the participating union and workers that undermine the sectoral bargaining process. A UGT official explained, “CC.OO. sold out to the employers. They agreed to a wage table that sets rates below the minimum wage. UGT participated in negotiations and walked out when the CC.OO. agreed to this.” A SAT representative complained that employers ignore the Convention, saying in an interview,

“They don’t comply with the Convention. They don’t pay the wage rates; there have been raises in the Convention, but they don’t pay them. They don’t pay the overtime rates. The companies make the formal thing, but then they don’t follow it. They charge for equipment, for housing. There are companies that require overtime, and that don’t pay the rate for work on Sundays. They have them work for 10-12 hours, when the maximum under the Convention is 9. The Convention is systematically violated.”

Another representative of the SAT added during an interview,

“I personally and many coworkers think of CC.OO. as the employer’s union. They sign the contract, but then they turn the other way. The companies name the union representatives, people from administration, the office. It’s a mafia. I was talking to a worker the other day who has worked in the fields for years and said that he has no idea what he signs when he signs the contract. There’s no conscientious raising.”

The International Federation for Human Rights (FIDH 2012: 28) also reported,

“Moroccan women told the FIDH mission that they had received a visit from some people but did not understand who or what they represented. These people asked the women to sign a document that they were unable to read. They signed it to “do the same thing as the Romanians”. In fact these people were representatives from one of the major union and came to inspect housing. This situation clearly illustrates the distance between the Moroccan women pickers and trade union representatives, as well as the lack of resources of the unions.”

The three unions with a presence in Huelva’s strawberry sector conduct some activities but the limited effects of sectoral bargaining, divisions among the unions, and lack of strike or boycott activities indicate low associational power. The CC.OO., UGT, and SAT visit farms, although SAT representatives are not permitted entry by some employers. A UGT representative reported in an interview that the union is lobbying the national government to remove the exemption from full social security contributions by agricultural employers, and advocating to the EU to condition support to agribusiness employers on demonstrated labor standards compliance, for which the union has gained traction within the European Parliament. In interviews, SAT representatives particularly reported distributing pamphlets explaining legal rights to workers, inviting workers to call their complaint hotline, filing up to 500 complaints during the strawberry harvests, and providing humanitarian assistance, e.g. installing solar panels in immigrant worker camps. The SAT pressures the labor inspectorate to increase inspections, establish its own complaint hotline dedicated to Huelva, ensure that contracts are provided in workers’ languages, and enforce regulations of agrochemicals. While the SAT continues collective actions in Andalusia, e.g. strikes at agribusiness processing facilities, none of the unions have led strikes in the strawberry sector. A UGT representative explained in an interview, “The temporary workers tend not to because it’s temporary, and permanent workers have to abide by the Convention’s strike rules.” The Convention refers to the sectoral agreement, which includes missing work for more than two days and voluntary slowdowns or reductions in quality of work as “grave” actions that may be

disciplined with suspensions of twenty and up to sixty days. A SAT representative said in an interview, “There are no strikes in Huelva. You can’t, because the workers are too afraid to lose the income from the work.”

Immigrant workers have also organized various collective actions, In the 1990s, immigrants from primarily African countries conducted a series of protests, which in part heightened employers’ interest in the control subsequently arranged for them under the contracting-in-origin program (Hellio 2016). In the 2010s, the African Workers Collective (*Colectivo de Trabajadores Africanos*, CTA) emerged among immigrant workers residing in Andalusia, primarily in the shantytowns, many of them with legal status. The CTA and SAT have collaborated, and SAT representatives report an established relationship with the National Federation of Agricultural Unions (FNSA) in Morocco. At times, the CTA has effectively pressed for attention to their living conditions. For example, it was visits to the labor camps that led the UN Special Rapporteur on extreme poverty and human rights to report,

“In Huelva, workers are living in a migrant settlement in conditions that rival the worst the Special Rapporteur has seen anywhere in the world. They are kilometres away from water and live without adequate sanitation or legal access to electricity. Many have lived there for years and can afford to pay rent but said that no one would accept them as tenants. They are earning as little as 30 euros per day and have almost no access to any form of government support. One person said, “When there’s work, Spain needs migrants, but no one is interested in our living conditions. According to civil society, 2,300–2,500 people live in similar conditions during the strawberry season.” (UNHRC 2020).

The other group supporting workers in Spain’s strawberry sector are activist lawyers, whose work indicates latent coalitional power. In 2009, lawyers filed complaints by workers concerning sexual assaults, which remain in the judicial process. In 2020, two complaints on behalf of 8 women were filed against five companies. However, there is no indication of significant coordination between unions and lawyers active in the sector, which might indicate some level of

coalitional power. Furthermore, indicating the position of employers, a representative of the Freshuelva association reported no knowledge of the complaints (Andreu and Jimenez 2020).

Working Conditions in a Surplus, Differentiated Labor Market with Disconnected Unions

In the context of employers with high discretion and workers with low relative power, conditions in the strawberry sector in Spain remain poor. A 2012 report summarized, “abuse of workers’ rights continues to be widespread on farms in relation to all categories of seasonal worker” (FIDH 2012: 23). In a 2020 interview, a SAT unionist echoed the assessment, saying, “[s]uper exploitation is the engine of the sector.” Reported conditions include several levels of abuse. The reports of sexual assault are shocking. A social worker at a health clinic in Huelva pointed a journalist to publicly available records showing an annual peak in abortions during the strawberry harvest, almost all by immigrant women (Altimira & Badia 2020a). A Moroccan woman hired under the contracting-in-origin program reported, “fortunately, it never got to the point that he raped me” (FIDH 2012). Another women employed through the program reported, “They told us that it was not necessary to work in the fields, that we could go with men for money...some accepted the money, others ended up pregnant and had abortions” (Altimira & Badia 2020a). Even with wages set in the sectoral agreement below the minimum wage, actual paid wages tend to be below the rates of the agreement. The sector-established minimum tends to be paid when workers are employed full days but not on shorter-hour days, which are the norm given the variability in fruit levels and availability of surplus labor. In comparison to the monthly wage rates set nationally (€1,108) and in the sectoral agreement (€1,071), a worker estimated monthly housing and food costs alone to add up to €1,000, not including water, electricity, healthcare, transportation, education, etc. Employers reportedly verbally threaten workers; for

example, a Moroccan woman reported being told, “If you don’t work fast, I will send you back to Morocco” (quoted in Altimira & Badia 2020a). Quotas are illegal and denied by employers, yet the veteran worker Nina reported that employers require workers to wear electronic chips to track the number of strawberry boxes they fill each day and condition employment on increasing productivity.⁸⁴ In 2019, a Moroccan woman named Drissiya had a stroke; when workers insisted on medical attention, the employer took her to a clinic that provided sleeping pills; and the woman lost her capacity to walk and talk (Altimira & Badia 2020b).

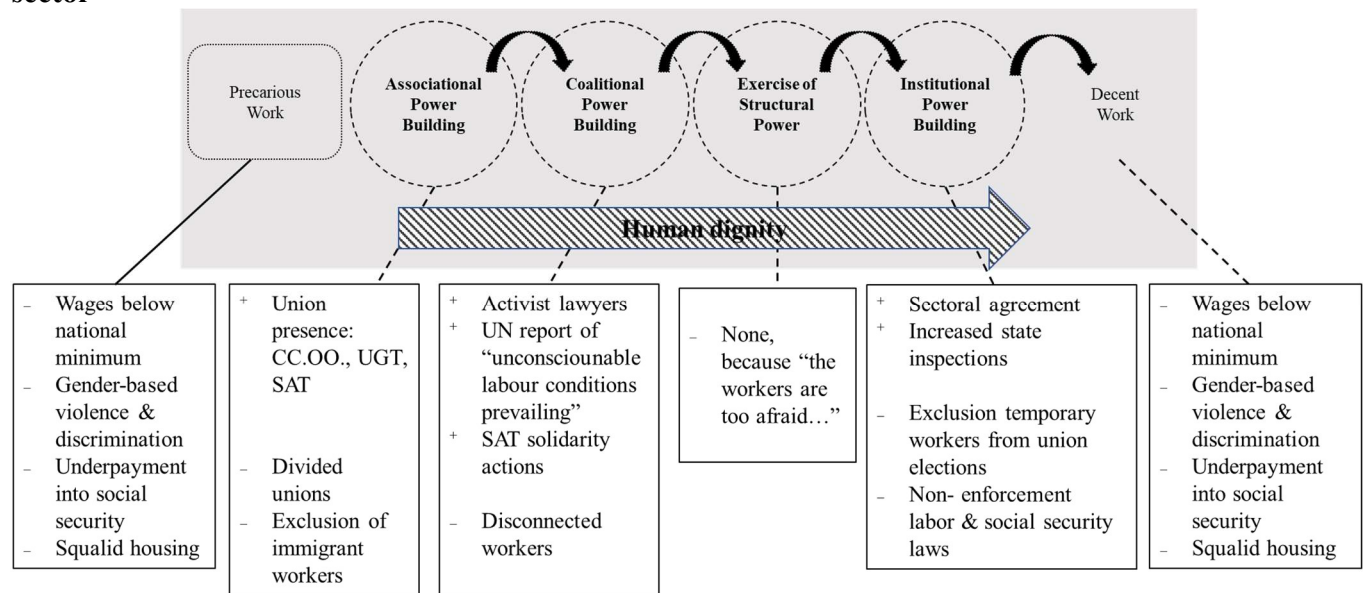
For the large number of immigrant workers employed in the sector, squalid living conditions are widely reported. The contracting-in-origin program requires participating employers to provide safe and hygienic housing with appropriate utilities such as water and electricity, and some do, but many do not. Some employers illegally charge workers for necessities, including water, electricity, and clothing for work (FIDH 2012: 27). Regulations also stipulate that workers are provided health insurance and access to care, yet many lack healthcare access (Women’s Link Worldwide 2019). Employers using the contracting-in-origin program also restrict workers’ movement from and visitors’ access to their property, reducing the possibility of workers developing relationships with surrounding communities. While living outside of employers’ property offers more freedom of movement to other immigrant workers, particularly those with legal residence and work status, their ostracization as surplus, racialized labor manifests in isolated living without many basics. A CTA activist reported that approximately 5,000 immigrant workers from African countries live in 49 “slum settlements...huts made of pallets and plastic sheeting. Five to seven people live in a confined space. You have no water and no electricity...I’m tired of it” (quoted in Wandler 2020).

Disconnected labor and delayed power building

Workers' process of building power in Spain's strawberry sector is undermined by disconnects between existing unions and workers that limit the associational power needed to use mechanisms such as sectoral bargaining and effectively counter employers' capacity to replace workers. The position of employers to sustain growth amidst competition across the Mediterranean is supported by national state and regional EU policies. In particular, the arrangement of the contracting-in-origin program externalizes labor costs and divides workers by continuously producing a gendered, racialized surplus labor supply. For the Moroccan government, the program provides a release, an income source for tens of thousands of rural women who otherwise might direct their energy towards internal reforms to address the lack of livelihood options. For the Spanish government, the program supports a successful export industry for an economy that has struggled to establish competitive industries in the EU or more broadly. Workers, whether citizens, resident immigrants, or the mothers contracted-in-origin are positioned to accept substantial exploitation in exchange for needed income, and thus individually demand more hours and avoid displeasing employers who can replace them. Unions have not found a means to unite workers and contest employer control over terms and conditions of work.

The disconnect between unions and workers has thus far delayed a process of building labor bargaining power in Spain's strawberry sector. The disconnected and delayed process is modeled in figure 4.

Figure 4: Disconnected labor and delayed process of building power Spain’s strawberry sector



The national unions are perceived by many as lacking legitimacy with workers, particularly immigrant, female, and young workers who comprise the strawberry workforce. The lack of legitimacy appears corroborated by the signing of a sectoral agreement that set wages below the national minimum by the CC.OO. While the UGT walked away from that agreement, its activities appear focused on *ad hoc* policy reform initiatives at the national and EU levels, while efforts to organize workers in Huelva are not evident. A UGT representative also claimed in interviews that the SAT are not present at workplaces, which the SAT’s low level of union delegates also suggests. However, it appears that the SAT is engaged in organizing workers. The SAT reports that it regularly conducts solidarity actions and issues statements, photos, and videos from its visits to

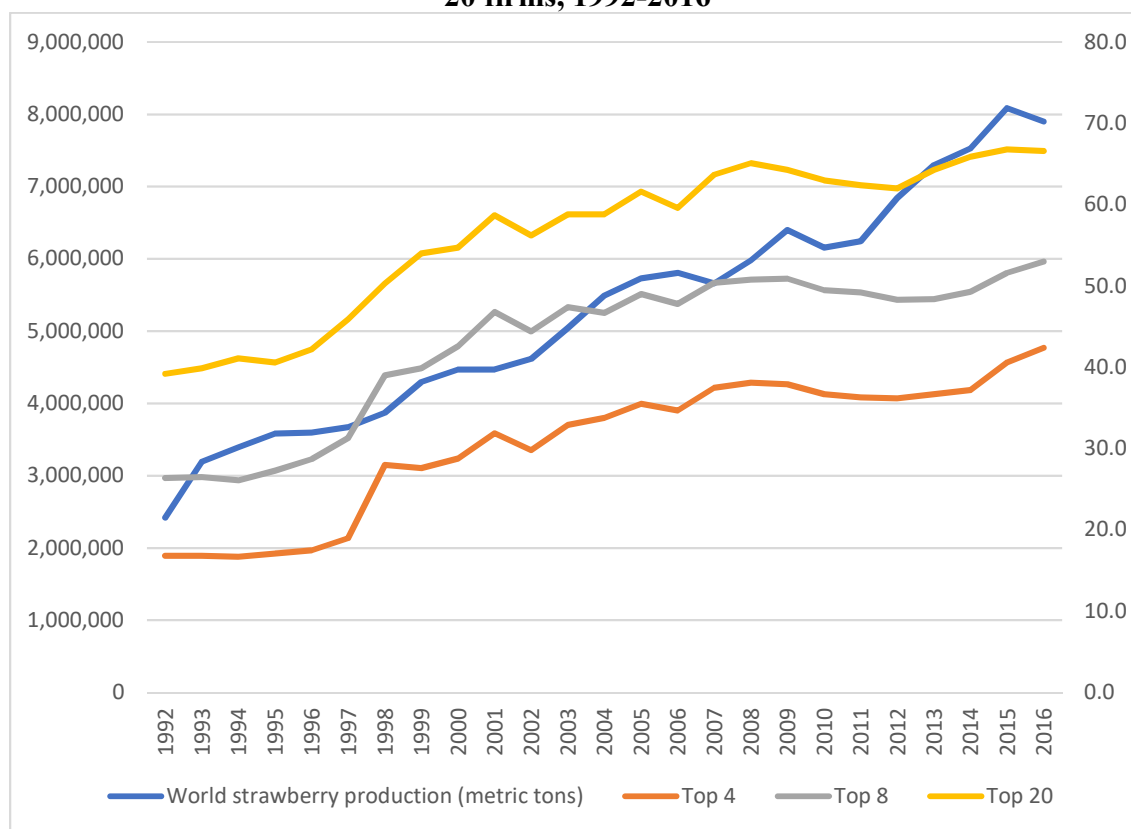
workplaces and immigrant worker camps. Nevertheless, its focus on direct action of the 1980s has shifted towards raising public awareness about conditions.

Clearly, the precarious position of workers, especially their replaceability by employers and lack of alternative income opportunities, presents a tremendous challenge for unions to affiliate and involve them in collective action. The disconnect between established unions and workers translates into incapacity to pressure employers and government actors through collective actions, such as a disruption of the harvest. It indicates what Pierre Bourdieu (1991) describes as “political fetishism,” risk in political representation that the representative perceives their power to be self-reproducing instead of derived from constituents. In the context of Huelva’s strawberry sector, employers appear to have perceived that the existing unions lack the ability to lead the workforce in collective action, in other words, lack associational power. Low wage rates and under-enforcement of laws and contractual terms reflect employer’s advantages of replaceable labor and workers’ low strike leverage. Perhaps efforts of the last decade to raise awareness of conditions in the sector will shift the dynamic towards workers gaining the recognition of their dignity, yet to date terms and conditions of employment remain precarious.

Chapter 5: Retail Sales and Bargaining Power in Strawberry International Commodity Chains

Over recent decades, the same period of the emergence of strawberry international commodity chains (ICNs), retailers have come to dominate the food system. As displayed in Chart 8, over the last thirty years world strawberry production increased from under one million to 8.3 million metric tons per year, and oligopolistic power increased in the US food retail sector. Food retail consolidation also characterizes European markets, where strawberries from Spain are sold. Four companies account for around 75% of food sales in the United Kingdom, and five account for 80% of sales in France, 62% in Germany, and 58% in Spain (Lawrence & Burch 2007). As Geoffrey Lawrence and David Burch noted, “The most important factor in understanding the extent of supermarket power is that the retail sector has moved beyond its traditional responsibility for food distribution, and is now strongly influencing patterns of production and consumption (Lawrence & Burch 2007: 9).” Western food retailers both employ millions of workers to sell most strawberries consumed in Europe and North America and purchase the majority of berries produced in Mexico, Spain, and the United States. Following the observed rise of retailer power, this chapter continues ICN analysis of the strawberry sector by considering labor relations at food retailers that dominate sales of the fruit.

Chart 8: Growth of World Strawberry Production & US Food Retail Shares of top 4, 8, & 20 firms, 1992-2016



Source: author calculations with data from FAOSTAT 2020 and USDA ERS 2021.

Food ICNs have become buyer-driven (Gereffi 1994) and to an obvious extent Walmart-driven, with the largest retailer and its distant competitors not only naming price but also specifications for the product and management of the labor process that produced it.⁸⁵ At the start of this expansion, companies like Chiquita or Dole that owned vast production assets represented international corporate power, able to control the price, volume, and display of their products through “vendor allowances” that food retailers provided, reflecting the retailers’ much less concentrated market power. In 1992, the largest four food retailers in the United States accounted for less than 20% of food sales, the largest twenty less than 40% (Chart 8). By 2016, the largest four sold more than 40% of food, and in 2020 Walmart alone accounted for nearly one-third of

sales in the USA.⁸⁶ Worldwide, six of the ten largest retailers primarily sell food, and again, Walmart stands out with three times the annual revenue than the next largest retailer.⁸⁷

Consolidating capital in retail has driven consolidation through the ICN. Berries, as the highest revenue category in fresh produce (Cook 2011), are exemplary. Four marketing and distribution companies account for more than half of all strawberries sold (*Ibid*). Driscoll's accounts for 28% of all strawberry plant patents, one-third of all berry sales, and 60% of organic strawberry sales in the United States (Dune 2015; Goodyear 2017; USPTO 2020). In this sense, the strawberry sector epitomizes corporations' turn away from vertically integrates corporations towards network organization (Anner et al. 2021). In ICNs, the concentration of capital in lead companies empowers them to direct production, sales, distribution, and investment (Russi 2013). Among the implications for labor relations throughout the ICN is the direction of capital away from where labor is concentrated. Or, as the CEO of Unilever characterized the company's communications with the world's largest company,⁸⁸ "Ninety-five percent of it [the dialogue we have with Wal-Mart] is about the next 50 cents that we are together going to take out of the supply chain, which is good for the consumer, good for Wal-Mart, and good for us" (Ball 2004). Labor relations throughout the network, particularly in labor-intensive production and sales, are, as a result, characterized by employer avoidance of unionization and attendant increases in remuneration. Yet even as scholars have worked to explicate the rise of retail, consideration of labor relations in production and sales is often disconnected.

The study of the social relations involved in the production, circulation, and consumption of food and other products has developed in parallel to the symbiotic expansion of retail power and the commercial strawberry sector. Several scholars account for how economic, political, and social forms of power shape social relations (Dicken et al. 2001), and in particular labor relations

and “the social reproduction of human labor as a critical input into this process” of “the transformation of raw materials into final goods” (Bair 2005). Many studies have attended to this “hidden abode of reproduction” (Fraser 2014) – where the necessary political, ecological, and cultural conditions necessary for capital accumulation are continually (re)established, typically focused on the production phase. Scholars have documented how international corporations use their political power to gain mobility and impose flexibility on suppliers through the arbitrage of unit labor costs across geo-political spaces (Suwandi 2019). Market power and dispersed production further support lead firms by enabling them to squeeze value out of labor (Anner 2019). The social force of patriarchy enables the subsidization of firms through the under-valuation of feminized labor in the realms of production and reproduction (Deere 1976; Federici 2012). The social construction of racial hierarchies has been deployed as a supra-economic form of power to control labor, whether in mines of South Africa or US strawberry fields (Hopkins 1966; Holmes 2013). The organization of commodity networks itself has involved the reification of gender, racial, and intersecting categories of workers (Ramamurthy 2000; Glenn 2002). A remaining challenge is to extend the analysis to the entire network, attending to labor relations in production, transportation, and sales not as separate but related processes that co-constitute the power to establish and reproduce power. In strawberry ICNs, labor is concentrated in production and sales. Whereas prior chapters focused on production, here, the focus is on labor relations in food retail sales, to highlight how labor relations in *both* production and sales are linked and co-constitutive of profitable strawberry ICNs.

Exemplary of the dynamics in food ICNs, Walmart has spurred a vast amount of analysis, and much of it reflects the tendency to isolate sets of social relations that themselves are part of the single company’s process of capital accumulation. To begin with, attention to Walmart is

warranted by its vast influence on social relations throughout the world, as indicated by the summarizing facts in table 6. As the largest company in the world, studies of Walmart’s impact on the retail industry have highlighted its market share, e.g. that the company accounted for 1 in 5 retail sales in the United States (Lynn 2006), and the implications, e.g. that more than two dozen regional grocery chains closed during its first decade in food retail (Lichtenstein 2008). As the lead firm of ICNs involving its 100,000 direct suppliers and multiples more sub-suppliers, Walmart has been scrutinized for its strategy of requiring low and decreasing prices, by one estimate a 5% annual price reduction (Fishman 2006; Bloom & Perry 2001; Applebaum & Lichtenstein 2006; Petrovic & Hamilton 2007). Meanwhile, studies of Walmart’s employment relations have highlighted its aggressive union resistance and flagrant disregard for employment regulations (Dicker 2002; Rosen 2005; Pier 2007; Lichtenstein 2007a, 2007b, 2008; Moberg 2011). The next section of this chapter addresses the complex of forces that empowers Walmart to expropriate value from labor in production and sales.

Table 6: Walmart facts

Total revenue	\$559,200,000,000
Net sales, USA	\$369,963,000,000
Net grocery sales, USA	\$208,413,000,000
Stores	11,501
Countries with stores	25
Total employees (USA)	2,200,000 (1,500,000)
Distribution centers (USA)	377 (156)
Suppliers	100,000
Political spending in USA, 2020 ⁸⁹	\$11,503,670
Starting salary ⁹⁰ (annual)	\$11 / hour (\$19,448/year)
Living wage for single person without children in Arkansas ⁹¹	\$13.29
CEO annual compensation ⁹²	\$22,600,000 (\$10,865/hour)

Sources (except where noted): Walmart 10-K reports 2020, 2021

In dialectic relation to the (re)production of power that supports capital accumulation in the political economy, labor studies have explored the efforts of workers to gain bargaining power in ICNs. Labor studies of Walmart have drawn on the power resource concepts outlined in the introductory chapter. Strikes in 2012 and 2013 led analysts to write “Thank You, Strike Again” (Moberg 2013), pointing to the importance of disrupting the company’s capital accumulation process for workers’ bargaining position. Many scholars have noted the lack of workplace and marketplace bargaining power of Walmart’s retail employees (Silver 2003: 13; Wood 2015: 261). Others have pointed to the ability of longshoremen, warehouse workers, and others to gain leverage over the company through disruption of the movement of its products (Appelbaum & Dreier 1999; Dicker 2002; Bonacich & Wilson 2005; Meyerson 2009; Slaughter 2013). Activists and scholars have proposed strategies to build the associational power necessary for collective action that increases Walmart workers’ leverage (Rathke 2005a, b, 2012; Green & Mason 2005; Fletcher 2013). Some have pointed to a general misalignment between some unions’ hierarchical form and the network organization of capital (Anner et al. 2021). Others have proposed the combination of worker autonomy and union facilitation capacity (Arquilla and Ronfeldt 2000; Hecksher & McCarthy 2014; Wood 2015). In addition to the challenge of organizing workers at Walmart, the importance of coalitions to their bargaining power has drawn attention to “site fights” – challenges to Walmart expansion out of concern for ecosystems, small business, and corporate capture of government – and often pointed out a disconnect between community activists and workers at the retailer (Marie 2002; Warren 2005; Berger & Bolton 2004; Green & Mason 2005; Fletcher 2013). The third section of this chapter addresses labor efforts to build bargaining power vis-à-vis Walmart.

Of course, not everyone shops at Walmart. As a shadow case, the fourth section of this chapter addresses labor relations in the food retail industry in Germany, where Lidl and Aldi command approximately 40% of the market (O’Brady 2021). Like Walmart, Lidl and Aldi began as family-owned and managed retailers, expanded into the largest companies in their home country with a low-cost strategy, and purchase strawberries produced in working conditions that violate national laws and international standards. Unlike Walmart, Lidl and Aldi are privately-owned companies, and are constrained by more robust employment, competition, and supply-chain regulations in their home country. However, strategies by German retailers to exit regulatory constraints in recent years are indicated by relatively poor working conditions in the sector, and point again to the importance of associational power for labor’s capacity to compel collective bargaining.

Learning sources

This chapter applies the international commodity network (ICN) analysis to the sales end of the strawberry sector. The cases focus on the lead company of the North American strawberry ICN, Walmart, including a comparison with the lead companies of the European strawberry ICN, Lidl and Aldi. While interviews provided key insights to the sources of management and labor bargaining power in food retail, the emergence of the COVID-10 pandemic limited field research. Travel to Europe was halted due to high virus caseloads in the United States and Europe, and US retail unions and workers were generally consumed with mitigating risks at the workplace. Nevertheless, I conducted six interviews with key informants, including a former AFL-CIO staff person involved in labor strategies towards Walmart in the 2000s, current staff at the United Food and Commercial Workers, Retail, Wholesale, and Department Store Union (RWDSU, a UFCW

affiliate), and three staff at the global union federation the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). Public reporting by the companies and secondary literature on the food retail industry and specific companies provided additional sources.

The economic, political, social forms of power that make and are used by Walmart

What has made it possible for Walmart to wield such overt and vast control over its employees, suppliers, and the retail industry? Scholars of business models have documented Walmart's consistent set of strategies over its five decades: low labor costs, low prices from suppliers, efficiency-enhancing technologies (product coding, automation, communications systems), and the 'everyday low price' offer to customers (Brea-Solís et al. 2015). Taking the question further, several scholars have highlighted the social forces, especially a fusion of settler-colonial, capitalist, and evangelical notions that permitted the world's largest company to emerge in a locale self-identified as anti-monopolist (Brunn 2006; Moreton 2007, 2010), economic force of investment in efficiency-enhancing information technologies (Abernathy et al. 1999; Brunn 2006; Fishman 2006), and the political force of exploiting the permissive labor laws of the company's home national state (Pier 2007; Lichtenstein 2007a, b, 2008, 2009; Carré and Tilly 2007). Given none of the forces that make Walmart possible are separable from the others – their isolation is a matter of where one starts and stops analysis, here I argue that Walmart's power is best understood by considering its dynamic use of economic, political, and social forms of power, and control over labor is the thread that weaves them together.

This section analyzes the forces that empower Walmart's control over its employees and ICNs, necessarily with historical perspective to identify the entangled roots of the company's

power. They suggest that Walmart's ability to direct suppliers to produce according to its terms and to command market share is derived from its super exploitation of labor. Walmart began with a model of paying employees under the cost of living, thereby accumulation surplus. The company invested the surplus in volume purchasing and technologies that increasingly allowed it to monitor and control the flows of products into and out of its stores and the labor tasked with accelerating the flows. The company's advantage over competitors derived from the squeezes on labor in its stores and ICNs.

Walmart's extraction of value from its workers

Walmart's power is regularly and rightly attributed to its size as the world's largest seller, leverage that derives from its labor relations. Labor costs are a high portion of retailers' operating costs, an estimated 70% for food retailers (Lichtenstein 2008). Walmart communicates clearly that low labor costs are a top priority, as in its 2020 10-K report:

“Our ability to meet our labor needs, including our ability to find qualified personnel to fill positions that become vacant at our existing stores, clubs, distribution centers and corporate offices, while controlling our associate wage and related labor costs, is generally subject to numerous external factors, including the availability of a sufficient number of qualified persons in the work force of the markets in which we operate, unemployment levels within those markets, prevailing wage rates, changing demographics, health and other insurance costs and adoption of new or revised employment and labor laws and regulations.” “In addition, if our costs of labor or related costs increase for other reasons or if new or revised labor laws, rules or regulations or healthcare laws are adopted or implemented that further increase our labor costs, our financial performance could be materially adversely affected.”

Walmart has controlled its labor costs, in part through internal strategies and use of the “external factors” it references. The company's average labor costs decreased nearly one percent from 1971 to 2008, almost entirely due to a 3.3% reduction during Sam Walton's CEO tenure 1971-1988 (Brea-Solís et al. 2015). The company began with crude tactics and developed more

sophisticated means to avoid worker participation in work rules and attendant increases in labor costs to fully cover workers' reproduction.⁹³ Its super exploitation of labor in the United States fueled its expansion to unprecedented scale, which makes it compelling and controlling to suppliers while motivating competitors to adopt its practices.

In 1962 Walmart opened as one store. Its expansion to three stores over the next two years signaled its business model – it would pay workers less than the cost of living, invest the value extracted from labor into high-volume purchasing that made suppliers dependent, drive out competitors with its lower costs, and dominate retail markets. Walmart organized its first three stores as three separate companies– Wal-Mart Inc., Wal-Mart of Springdale Inc., and Wal-Mart of Harrison Inc. – under a holding company, with the effects of avoiding its legal duty to pay minimum wages and fissuring the workforce (Ortega 1998; Lichtenstein 2007a, 2007b).⁹⁴ Workers received below minimum wages and were unable to collectively bargain with management of the whole company. While courts found the false pretense of separation illegal, over three years, this super exploitation of its workers supported the company's growth. With the surplus, it set about purchasing products at low prices in exchange for large volumes. By the time courts ordered Walmart to provide backpay to its workers for violating minimum wage law, it had doubled in size.

Over subsequent decades, Walmart turned to more aggressive means of avoiding collective bargaining with its workers, learning along the way that it could violate laws with effective immunity. Workers first sought unionization in the 1970s at two of Walmart's stores. Managers fired union sympathizers, and the lawyer hired by Walmart, John Tate, told workers that unions are “blood sucking parasites” (Lichtenstein 2008; Berfield 2012). The union, the St. Louis-based

Retail Clerks Local filed an unfair labor practice (ULP), and the NLRB ordered Walmart to rehire workers fired for their concerted activity and to post a notice that stated:

“WE WILL NOT discourage membership in or activities on behalf of Retail Store Employees’ Union, Local No. 655, affiliated with Retail Clerks International Association, AFL-CIO, or any other labor organization, by discharging, or in any other manner discriminating in regard to hire or tenure of employment of any of our employees because of their union activities...WE WILL NOT in any other manner interfere with, restrain, or coerce our employees in the exercise of the rights guaranteed them by Section 7 of the Act.” (Wal-Mart Stores, Inc. 1973).

Starting in 1978, drivers at Walmart’s four distribution centers at the time signed cards expressing their interest in representation by the International Brotherhood of the Teamsters (‘Teamsters’). The company apparently had not yet fully grasped structural power; disorganization in its distribution system was contributing to excessive overtime, speed-ups, and accidents for drivers compensated with low wages. But management clearly understood associational power and quickly acted to eliminate the risk it posed when asserting workplace structural power (Silver 2003). The company delayed the vote for four years, during which founder and company president Walton threatened to close the warehouse if workers elected union representation, and hired the lawyer John Tate, who set up a bulletin board smearing the Teamsters, headlined “Walk the 90-Foot Walk of Teamster Shame” (Ortega 1998: 88; Lichtenstein 2008: 1477; Berfield 2012). After the election petition withdrawal, the company president told the 40,000 employees at the time, “We will never need a union in Wal-Mart” (quoted in Lichtenstein 2008: 1477). With no remediation other than another ‘We will not violate the law’ statement likely from US law,⁹⁵ the Teamsters ceased trying to unionize in Walmart’s international commodity networks for decades. The company differentiated its workforce of around 40,000, immediately following the union drive paying drivers five times more than in-store workers and reducing their workload (Lichtenstein 2008: 1477).

Over the next decades, Walmart developed in-house union avoidance as the top priority of its management. The company trained each manager with a manual entitled “A Manager’s Toolbox to Remaining Union-Free,” which informed them, “As a member of Walmart’s management team, you are our first line of defense against unionization” (Berfield 2015).⁹⁶ The manual further informed managers that the company’s “Open Door Policy” is the “greatest barrier” to worker organizing (Pier 2007: 6). The company instructed managers to not hire anyone with union experience (Dicker 2002). Under Walmart’s “Remedy System,” managers are to call the company’s “union hotline” and report union activity to a team of lawyers and employment specialists at company headquarters, which enter the information in a database to track and derail perceived labor organizing activity (Pier 2007; Berfield 2015). To increase its intelligence on workers’ collective activities, Walmart hired the military contractor Lockheed Martin to surveil workers in the 2010s (Berfield 2015). When union interest is perceived, Walmart fires union supporters, threatens others – blatantly telling them that if they unionize, they will strike and be replaced permanently as permitted under US law (Pier 2007). In instances of workers filing for union recognition elections, Walmart’s “People Division” takes over store management, meets with as close to every eligible voter as possible, runs videos constantly, and in some cases relocates managers deemed too soft towards unionization and packs the bargaining unit – relocating workers perceived as union sympathizers and hiring less-sympathetic replacements (Dicker 2002; Pier 2007; Lichtenstein 2008). A report by Human Rights Watch summarized, “Wal-Mart has translated its hostility towards union formation into an unabashed, sophisticated, and aggressive strategy to derail worker organizing at its US stores that violates workers’ internationally recognized right to freedom of association” (Pier 2007: 203).

Beyond its stores, Walmart also asserted political power to fight unionism through the legislative process and coalitional power to fight unionization campaigns in its ICNs. The company funded campaigns to pass laws restricting unions' capacity to represent workers, so-called "right-to-work" laws, in several states (Nichols 2001). With Walmart as its largest member, the business association Retail Leaders Industry Association (RILA) has sued and lobbied states and localities to prevent living-wage and health insurance requirements on employers and lobbied national legislators to prevent labor law reform (Lichtenstein 2009).

In the 2010s, Walmart added tactics to its union avoidance program. The company assigned the task to "human resources teams all over the country who," as a company spokesperson told the press, "are available to talk to associates, and we will get questions about joining a union," to which the HR managers respond with only slightly nuanced threats, "We would say: 'Let us remind you of all that Wal-Mart offers, and of what might go away. Quarterly bonuses might go away, vacation time might go away'" (Berfield 2012). Leaving no tactic on the table, Walmart also used the US labor relations system to get court injunctions preventing labor organizing activity on company property in seven states, and to call the police to enforce the injunction by arresting labor organizers who defy it (Berfield 2015; Reich & Bearman 2018). A company spokesperson reported that employees "have chosen to reject unions time and again" (*Management Report* 2011), indicating management's cynicism, ideology, or mixture of both.

Walmart's consistent refusal to recognize workers' dignity meant more extraction of value from them. In a span of five years in the 2000s, workers filed 57 class action lawsuits, complaining that the company broke wage and hours laws by forcing workers to work 'off the clock', failing to pay overtime wage rates, and denying breaks for meals and rest (Pier 2007). A judge found Walmart guilty of two million infractions of wage and hour laws in the state of Minnesota alone

(Lichtenstein 2009: 20). Additionally, a class action lawsuit representing 1.5 million women alleged that the company intentionally discriminated against women in pay, promotions, job assignments and training – the largest class action employment discrimination case in history (Pier 2007). While the US Supreme Court dismissed the workers’ standing as a class, it did not reject the allegations of discriminatory treatment, which included that “women fill 70 percent of the hourly jobs...but make up ‘only 33 percent of management’...women working in the company’s stores ‘are paid less than men in every region,’ and ‘that the salary gap widens over time even for men and women hired into the same jobs at the same time.’”⁹⁷ The US Equal Employment Opportunity Commission (EEOC) filed nineteen charges against Walmart for discriminating against disabled workers and job applicants (Pier 2007). When publicly pressured to provide health insurance programs to its workers, Walmart offered low-premium, high-deductible options for which workers were paying up to 30% of their annual income (Lichtenstein 2009). Even when these practices violated laws, the legal system did not meaningful change Walmart’s core strategy of extraction from labor.

Why Walmart Can Super-Exploit Workers for Decades

Walmart assembled the largest group of workers under the same employer, compensated them less than the cost of living, and steadfastly refused their participation in work rules, often extralegally. How the company managed such a system is a complex question that here is addressed by considering the political, economic, and social forms of power used.

Walmart’s ability to super-exploit workers and maintain the largest workforce of any company can be understood in part as the company leveraging political power. The weak regulatory power of US labor laws and policies partly explains Walmart’s ability to super exploit

its workers, as scholars have repeatedly argued for decades. The US union election system is based on a doctrine of employer free speech that all but encourages managers to coerce workers into voting against union representation.⁹⁸ Violations of the law are also hardly deterred. Referring to the lack of enforcement capacity within the NLRB, John Dicker (2002) noted, “If the board rules in the union’s favor, the company suffers a slap on the wrist, posting a notice of company malfeasance in the break room. This is union organizing still haunted by the ghost of the 1947 Taft-Hartley Act.” While Dicker was considering Walmart’s crushing unionization campaigns at the turn of the 21st Century, his observation could have been made after the company’s defeat of unionization campaigns in the 1960s and 1970s. Yet it was in the 2000s that labor law observers focused on the gaps in the US labor relations system exposed by Walmart’s practices. Writing for Human Rights Watch, Carol Pier concluded:

“Employers face no punitive consequences for violating US labor laws. Instead, a guilty employer can only be ordered to restore the status quo ante. US labor laws’ weak remedies, such as orders to reinstate illegally fired workers with small back-pay awards; to cease and desist from unlawful conduct; and to post notices in the facilities at issue, do not effectively deter employers from breaking the law and violating workers’ right to freedom of association, largely because they carry, at most, nominal economic consequences. Benefiting from these minimal consequences, Wal-Mart has repeatedly used illegal tactics to prevent union formation at its US stores” (Pier 2007)

Walmart’s acquiescence to some forms of unionization in some countries offers support to the legal explanation of its labor super exploitation. Generally, the company has avoided collective bargaining, accepting unions where political formations blunt their bargaining power. Walmart entered Germany in 1997, refused to participate in sectoral and company-level agreements with unions and works’ councils, acquiesced to union pressure, and left after nine years (Kolben 2007: 296-298). In 1999 Walmart entered the United Kingdom by acquiring Asda, which included unionized stores. The company resisted collective bargaining, but after thousands of workers voted

to strike, negotiated an agreement with the union federation GMB under which the company and union would form a joint dialogue council and the company committed to not interfere in unionization (Kolben 2007: 293-295). When it entered Mexico in 1991, Walmart developed a symbiotic relationship with the employer-protection unions that dominate the country's retail sector, because the unions function to prevent collective bargaining with the workers and are often unknown entities to the actual workers and even managers at workplaces (Kolben 2007: 299-302). Chris Tilly (2007) summarized that Walmart leaves or acquiesces to unions when institutions support unionization and restrict 'big-box' retail, market competitors force it to sell based on differentiation not the lowest price, and consumers are unattracted to its culture of cheap commodification of products and its workers.⁹⁹ In other words, even if Walmart might indulge in resisting unionization, it does so only under particular economic, political and social conditions.

The weaknesses of the US labor relations system is certainly important, yet can explain only so much of Walmart's power towards its workers. Considering Walmart's approach in a slightly different labor relations system indicates more to the story. After the United Food and Commercial Workers (UFCW) secured collective bargaining rights at a Walmart in Jonquiere, Quebec, Canada, the company shut the store down, and effectively halted unionization campaigns at other stores in Canada. As Roy Adams (2006) observed, Quebecois law required companies to collectively bargain with workers who unionize through card check and to reach a first contract through arbitration should bargaining reach impasse, yet "a determined employer with deep pockets may frustrate that legal regime despite these labor-friendly elements". The sheer size of Walmart overwhelmed national state policies encouraging collective bargaining without enforcement. Furthermore, the company grew by, as organizer Wade Rathke described,

“essentially not competing with other retailers or grocers for employees but against the overall lower waged service sector and the extent of the trainable unemployed workforce in the market. From its history in rural and exurban areas, Wal-Mart is accustomed to being the largest employers in the labor market and therefore has vast experience at single-handedly setting the market for wages, hours, and benefits” (Rathke 2005b).

The rigor with which Walmart refuses worker participation in the rules to which they are subjected at the company sits uncomfortably with the fact that the retail behemoth has employed more workers in the USA than any company for decades. Part of Walmart’s ability to recruit and super-exploit workers depends on their lack of labor market structural power (Silver 2003). Walmart workers face relatively price elastic demand for their labor (Marshall 1966; Katz et al. 2016). They are replaceable, account for a large portion of operating costs, and work for a company committed to directing surpluses to executive management and owners of its shares, more than half of which are held by the founder’s family.¹⁰⁰ There is indication that Walmart will sell products higher than competitors, as it does in countries like Mexico where consumers rely more on small food vendors than in the USA (Tilly 2006), and compared to “dollar stores” that have emerged as the cheapest despite little food on offer.¹⁰¹ However, the ability of the company to replace its workers is crucial, and requires explanation.

Market concentration strengthens Walmart’s ability to replace workers by increasing the labor supply. One dimension is the company’s evident monopsony power in labor markets where it is one of few employers and faces little competition from others to the degree that it can “set wages lower than they would be in a competitive market (Bivens, Mishel, and Schmitt 2018). Importantly, the wage reduction capacity does not require the firm to be the sole employer, only that it faces an upward-sloping labor supply curve, for example, where workers face costs of obtaining alternative employment (Ashenfelter, Farber, and Ransom 2010). Research on US labor markets has found both monopsony power rising and associated with lower wages, particularly in

lower-population locations, i.e. where Walmart expanded to become the largest retailer and employer before entering urban centers.¹⁰² Several studies have reported the monopsony effect, that Walmart's entrance lowers employment and wages in the area (Neumark et al. 2005; Dube et al. 2007). David Neumark, Stephen Ciccarella, and Junfu Zhang (2005) found the dual wage and employment effect, reporting that "a Wal-Mart store opening reduces county-level retail employment by about 150 workers, implying that each Wal-Mart worker replaces approximately 1.4 retail workers. This represents a 2.7 percent reduction in average retail employment." Considering broader labor market effects, Emek Basker (2005) found that Walmart openings reduced wholesale employment by replacing prior distribution networks with its own ICNs. The effect drove unionized retailers to demand concessions from their workers. For example, Walmart's announced plan to open in southern California led food retailers to lock out 59,000 workers represented by the UFCW, compelling them to concede pension, health insurance, and wage cuts in 2003 (Milkman 2004). In a moment of clarity and/or confidence, the *Management Report for Nonunion Organizations* (2013) recognized the company's monopsony power, reporting "Low wages at Walmart drive down wages for UFCW-represented workers at stores that compete with Walmart."

A complex of economic necessity, political direction, and social ordering have underpinned Walmart's power to recruit workers to precarious work. For one, a large number of workers face few alternatives to secure their livelihoods. The retail industry has employed more and more people in recent decades – accounting for 1 in 10 workers in the United States in 2019 (BLS 2021 – and extracted more value from each of them. As Peter Ikeler (2016: 47, citing US Bureau of Labor Statistics) observes, "Since 1980, the retail workforce has grown from 10.2 to 15.1 million individuals, while their real wages have fallen by 11 percent (to \$14.02) and their average weekly

hours, since 1972, by almost 14 percent (to 30.2).” In the broader trend, “Wal-Mart’s difference...is not a difference in kind, but in degree...the company’s labor practices are not the exception, but rather, the perfection of the rule” (Adams 2006: 214). Walmart not only employs 1.5 million workers in the United States but also replaces at least 600,000 employees each year.¹⁰³ In the retail labor market, then, should a worker quit Walmart, she is not so assured to find a better alternative. Political decisions added to the labor supply for Walmart and fellow retailers. For one, the US government added to the supply and subsidized employers by requiring financially poor citizens to work in order to obtain welfare assistance. As Adam Reich and Peter Bearman (2018: 69) document, Walmart’s market cap accelerated most in the years immediately following the ‘work-for-welfare’ reforms of 1990s, because investors observed the reform’s contributions to the company’s labor supply and customer base.¹⁰⁴ In particular, the reforms increased the percentage of single mothers with low levels of formal education in the workforce from under 55% to over 65% (Reich & Bearman 2018: 70). While the overall labor pool was increased, rising costs of education needed for eligibility for employment in higher-compensating industries swelled the supply for companies like Walmart. Between 1989 and 2016, the cost of a college degree increased “almost 8 times faster than wages” (Education Data 2021).

Under conditions of large numbers of workers’ economic dependence on any available employment, Walmart’s use of symbolic power has further sustained its capacity to recruit sufficient labor. Following Pierre Bourdieu’s (1991: 170) concept of symbolic power, the company used communications to redirect workers’ gaze away from the actual terms and conditions of work towards membership in the Walmart family. From the earliest days, the company filled employees with tales of the founder, Sam Walton, as the caretaking head of the family. The corporate family narrative built on the settler colonial social orders of the company’s home region, the Ozarks,

where the vision of society involved a white male patriarch caring for his family through nothing more than his hard work (Moreton 2007, 2010). An exemplary piece of hagiography is the 2003 biography of Walton by Robert Slater (2003: 24), which claims, “While still a child, Walton moved with his family from one town to another in Missouri, where he observed Dust Bowl farms. He promised himself he would never be poor.” In this description, the patriarch is a settler, willed to prosperity for the noble purpose of caring for his family, while absent are the historical facts that Walton was the son of a mortgage banker who profited from defaulting farmers. Bethany Moreton (2007: 76) concluded that Walmart “adapt[ed] the management/labor dyad to a ‘natural’ male/female hierarchy.” The power of Walmart’s corporate family narrative over time is perhaps indicated clearest in its reference by the union-affiliated Organization United for Respect at Walmart (OUR Walmart). At Walmart’s 2012 annual shareholders meeting, the organization proposed a resolution stating,

“We have cut costs too far, stores are understaffed and associates cannot provide customers the service that Sam Walton built the company on and that we are proud to provide....[quoting Walton]... ‘Listen to your associates, they are your best idea generators’ ...There has to be a new relationship based on honesty, based on trust, based on respect” (quoted in Berfield 2012).

The Walton family members who own the majority of shares voted down the resolution despite the cheers it received from the majority of people attending the meeting. The Walton’s understood what the resolution mis-interpreted, that recognition of workers’ dignity lives only in the hagiography of Sam Walton, while the historical record shows Sam Walton as the founder who organized to avoid minimum wage laws, established anti-unionization as the number one task of management, and oversaw 3.3% decline in wages over his 16-year tenure as CEO (Brea-Solis et al. 2015). Out of context, Walmart’s symbolic power has been less impactful. As the company expanded nationally, patriarchy did not translate; by the late 1990s, female workers began what

became the largest class action gender discrimination case at US workplaces. In Chile the dissonance between working conditions and Walmart's claims of caretaking for its 'associates' motivated workers to organize towards collective bargaining (Bank Muñoz 2017).

Monopsony power over suppliers

Labor in ICNs is the other major source of value that has made Walmart the largest company in the world. The company reports 100,000 direct suppliers in its tax filings. In strawberries, this would include the largest brands like Driscoll's and, the largest production companies that sell directly to Walmart, and would not include the many smaller production companies that contract with the direct suppliers to the retailer. In ICNs led by Walmart and its followers,¹⁰⁵ the share of every dollar spent by a consumer that goes to retailers has increased in recent years (Kuhns and Okrent 2019). Walmart is of course famous or infamous (depending on one's priorities)¹⁰⁶ for its 'everyday low prices.' While the company does not sell every product it offers at the lowest price, it does require suppliers to continually reduce the price of their product, increase its quality, or both in what it calls its "Plus One Principle" (Petrovic and Hamilton 2006: 131). Walmart has gained the ability to set prices for strawberries and other products it sells at low levels, i.e. monopsony power over its suppliers, through exchanges of large volumes, direct price setting, and indirect management of suppliers' operations.

Among the conditions that have made it possible for Walmart to gain monopsony power in its ICNs are increased capital mobility and information technology. In its earliest years, Walmart sought and found bargain sales (Petrovic and Hamilton 2006: 136-137). Combined with spending capacity inflated by its avoidance of labor expenditures such as minimum wage, it purchased higher volumes to attract customers with 'everyday low prices.' According to Walmart's 10-k

filing (2020: 12), “the volume of product we acquire from many suppliers allows us to obtain favorable pricing from such suppliers,” but it is not volume alone that reduces prices of its merchandise. Through subsequent rounds of multilateral and bilateral government negotiations from the 1970s onward,¹⁰⁷ reduced tariffs and protected foreign direct investment made it possible for Walmart to source merchandise internationally and pit suppliers into competition for its large purchase order based on the lowest price. Walmart directly and through business associations like the RILA lobbied the US government and others for such protected capital mobility (Lichtenstein 2009; Moreton 2010). By the mid-1980s, Walmart was purchasing half of its merchandise internationally, for then only US-based stores (*Ibid*). Innovations in information technology further set the stage for the company’s control of ICNs. The company gained a reputation for early adoption of information technologies that enabled it to monitor and intervene in the flows of products, capital, and labor throughout its ICNs (Bonacich & Wilson 2005; Holmes 2011). As summarized in Table 7, Walmart used such technology to arrange just-in-time supplies of merchandise and on-demand employment, scheduling workers only for the hours needed based on flows of products made increasingly predictable by more accurate tracking (Abernathy et al. 1999).¹⁰⁸

Table 7: Major introductions of information technology by Walmart

Year	IT introduced	Use
1975	Stock keeping units (SKUs)	Record point-of-sale product flows (POS)
1983	Computerized POS recording Universal product codes (UPCs)	Centralize management of product flows Increase accuracy of product flow tracking
1984	Texlon handheld devices	Speed up input of product information into centralized product flow database
1987	Largest private satellite network at the time	Increase communications with increasingly dispersed suppliers
1992	Retail Link	Require suppliers to input product information
1996	Electronic Data Interchange (EDI)	Put Retail Link online for real-time product information flows across ICNs
2004	Radio Frequency Identification (RFID)	Speed up and increase real-time accuracy of information flows across ICNs

Source: Author's organization of data in Walmart historical timeline (Walmart 2021b)

Walmart's control of flows in its ICNs contributed to consolidation. Retail analysts observed the trend in food retail overall. In strawberry sourcing, as retailers gained more shares of sales markets, they reduced transaction costs by purchasing from larger suppliers and using formal contracts with fixed prices. Intermediary participants in strawberry ICNS, like Driscoll's and Naturipe, expanded sourcing to locations like Mexico in order to supply retailers with berries year-round, and retailers benefited from the capacity to sell them year-round and save labor time previously spent on monitoring spot prices and seasonally changing shelves (Mohapatra 2011). By 2011, berries became the number one sales item in food retail (Cook 2011), led by the 1-pound clamshell of strawberries, according to the owner and executive of Driscoll's (Interview 2020), which patented the plastic container (Lawrence 2015). Four companies marketed and transported more than half of the retailed berries, led by Driscoll's and Naturipe (Cook 2011). Size in terms of capital stock matters particularly in strawberries, which require fast, temperature-controlled transportation.¹⁰⁹ As the largest, Driscoll's has invested in real-time tracking of the strawberries it delivers, an estimated 30 million pounds per week, and 75% the day received from production

companies (Food Safety News 2018). Driscoll's supplies up to half of strawberries to Walmart and other food retailers (Interview 2020), which avoid single suppliers for any product to manage stock and maintain competition among the suppliers (Kouki, Babai, and Miner 2018). Strawberry production companies sell to companies like Driscoll's only if they cannot afford the investments in marketing and transportation; otherwise, they sell directly to the retailers, according to production managers (Interviews 2020). The impact of Walmart and retailers that chase it, however, has been to accelerate the commodification of strawberries. As a lifelong manager of production in Mexico lamented in an interview, Walmart's lead of food ICNs has both attracted more investment in production, increasing competition among production companies, and driven down margins due to the retailer's price-setting power.

Walmart's market power enables it to squeeze value out of its strawberry and other ICNs, and to substantially direct suppliers' operations. One of Walmart's first moves to gain control over capital flows in its ICNs was to refuse vendor allowances, widely used by food retailers previously, which gave suppliers some control over pricing, displaces, and volume (Lichtenstein 2008). Many have observed that Walmart, under its Plus One Principle, pressures suppliers to reduce their prices, even to the point of bankruptcy (Fishman 2003; Petrovic and Hamilton 2006). Exemplary of the practice, in the late 1990s Walmart convinced Vlastic, then accounting for nearly a third of US pickle sales, to drop its price, which boosted sales at Walmart 33% while profits for the food manufacturer plummeted (Berger 2007). A businessman in Mexico argued that Walmart pressured suppliers "to the point where the opening of new branches is practically 100 percent financed by the costs borne by its suppliers" (Tilly 2006, quoting Maldonado 2005). Walmart stands by its pressure; as son of the founder Rob Walton (2005) wrote, "our low prices are derived from...taking unnecessary costs out of the business." By isolating prices of merchandise, some observers to

endorse the approach (Furman 2005; Hemphill 2008; Morillo, McNally, & Block 2015). As Edna Bonacich and Jake Wilson (2005) observe, “[s]ome of this cost cutting has led to more efficient operations and the cutting out of unnecessary middlemen. However, at some point all the excess fluff has been cut out of a business, and you start reaching the bone” (Bonacich & Wilson 2006: 235).

The anatomy analogy turns the attention to Walmart’s not so indirect management of labor in its ICNs. Arguing that the company effectively ‘makes markets,’ Petrovic and Hamilton (2006: 132) explain, Walmart has moved quite far from its 1960s bargain hunting and the mere monitoring of products through its ICNs; it estimates purchasing prices and invites competitive bids based on suppliers’ operating costs, which they are required to present to the retailer for cost analysis and manage in line with its commitment to steady supplies of cheap volumes. A former Walmart store manager explained, “There is no negotiation...The manufacturer walks into...sits down with the buyer, and the buyer brings up last year’s cost and says, ‘We want to buy this much more this year, but we want you to manufacture for this much less and sell it to us and cut your lead time in half, cut your shipping cost in half, ship it to us on prepackaged displays instead of cartons.’” A Driscoll’s manager recalled that when Walmart first entered food retail, it demanded that the supplier “‘take it from your other customers’” (Interview), which of course was limited by other customers’ competition with Walmart, and so the largest berry company sells to Walmart in the United States “in a significant way but not comprehensive...in Mexico, we do a lot with Walmart.” Notably, Walmart’s targets a higher-income population in Mexico, where lower-income residents purchase more from informal food distribution networks (Tilly 2006; Carré and Tilly 2006). The efficiencies in Walmart’s ICNs of course support its revenue, yet at the level of production translate into limits on remuneration and other improvements to working conditions, as production

companies “find no other way to meet Wal-Mart’s demands except to squeeze labor to the bone (Goodman and Pan 2004).

In strawberries, where labor costs represent the largest operating expenditure for production companies, Walmart’s ability to set prices implies serious limitations to working conditions and workers’ ability to collectively bargain. The cases of labor collective action in the North American strawberry ICNs are indicative. In the case of Sakuma Brothers, it opts out of the fresh strawberry market entirely, selling all of its strawberries food manufacturers such as Häagen-Dazs (see Chapter 2). The avoidance likely reduces overall revenue – fresh-market prices are approximately 50% higher than prices in processed markets, according to another production manager, yet it permits Sakuma management control over the allocation of its revenue, supporting its collective bargaining relationship with Familias Unidas por la Justicia. In contrast, many of the strawberries unpicked in San Quintín, Mexico during the 2015 strike were destined for Walmart. The retailer did not take a public position or participate in negotiations following the strike. In the years that followed, it required suppliers in San Quintín to pay for certifications, further limiting capital available for negotiation with workers, and financed the report *Farm Labor and Mexico’s Export Produce Industry*, which dismissed the strikers’ demands for collective bargaining that remain unfulfilled. The influence on labor relations in strawberry production by Walmart is, like its influence on labor relations at its retail stores, hard to imagine if it had less market power.

Walmart’s monopoly power

Monopsony power in its own labor market and ICNs is at least partly derived from Walmart’s monopoly power,¹¹⁰ as the primary seller in multiple contexts. If monopoly is understood as a seller able to and offering products priced lower than competitors with the effect

of eliminating many of those competitors, there are several indications of the Walmart's monopoly power. The company accounted for 28%, 29% and 32% of US grocery sales in 2018, 2019, and 2020, respectively (Walmart 2021a; Fernandez 2020). Dennis Olson (2014) calculated that Walmart "controlled more than 30% market share in 44% of major US grocery markets" by the 2010s. Analysis of common grocery items found their prices 10% lower at Walmart than competitors, who tended to reduce their own prices after Walmart opens in their market area (Basker and Noel 2009). During Walmart's most rapid years of expansion, studies in Iowa and Maine found that retailers selling the same merchandise as Walmart lost sales, and many closed, after Walmart opened in their area (Stone 1989, 1991, 1995a, 1995b, 1997; Stone and Artz 2000; Stone, Artz & Myles 2002). One study estimated that Walmart's expansion accounted for at least half of small discount retail closures from 1988 to 1997 (Jia 2008). Another found that on average four small competitors close within 5 years of Walmart's entry into a community (Basker 2005). Researchers reported the market capture in urban areas as well; for example, the closure of 82 of 306 businesses within a four-mile radius of the first Walmart in Chicago during its first year (Moberg 2011). Some two dozen regional grocery chains (chains not individual stores) closed between 1993 and 2003 (Lichtenstein 2008). While Walmart was not the sole driver, it was significant; when it entered the food retail industry in the 1987 (Lepore 2011), its wage bill was 30% lower than unionized competitors (Lichtenstein 2008).

Walmart's market share is largely a result of US government policy. "As you get over 30% and higher [market share], I am sure there is a point where government is compelled to intervene," argued the Walmart CEO when pleading with the UK government to regulate rival Tesco (quoted in Olson 2014: 81). The irony is of course that despite decades of Walmart's rising shares of food sales and associated closures of competitors, the US government has not and is to-date unlikely to

intervene. According to US anti-trust laws, it might be different. Explaining the intent of anti-trust legislation, the Texan legislator Wright Patman who helped draft them subsequently wrote, “The express purpose of the Act is to protect the independent merchant and the manufacturer from whom he buys” (quoted in Lynn 2006: 31).¹¹¹ Yet since 1982, the US government has limited who could be regarded as a victim of monopoly power to consumers (Lynn 2006: 32; Olson 2014; Edlin 2017). Under the so-called ‘consumer-welfare doctrine,’ despite the consensus opinion of antitrust lawyers and economists,¹¹² anti-trust regulation is currently limited to protecting the lowest price to consumers, effectively dismissing concerns about the use of market-share to limit competitors’ or suppliers’ gains. Under this approach, a plaintiff “would have to prove that the predatory pricing would likely succeed,” not only that it was below cost and set with the intention of driving out competition. Thus, Walmart executives freely report loss leader strategies, “[W]e continue to execute our strategy [of] investing in [lower] retail price... in our food... so that we can drive traffic to our stores... What you’ll see is we’ve actually widened our price gap over the last 13 months, against our competition by 100 basis points” (quoted in Sosland 2013).

This section has looked at the economic, political, and social forms of power that make Walmart the largest retailer worldwide, applying the ICN approach. For workers in the production of strawberries sold at Walmart and those making the sales, the analysis identifies how the company both gained bargaining power and uses it to extract value from the workers in its ICNs. Politically, Walmart has benefitted from and, where possible, shaped to its advantage US government policies in support of employer unilateralism, market concentration, and international capital mobility. Economically, Walmart’s uses its monopsonistic buying power as a form of structural power (Silver 2003), to control the labor processes of its suppliers and to insulate itself from any disruption to those processes. Thus, the 2015 strike in San Quintín only meant purchasing

more strawberries for that winter and spring sales seasons from other locations, a shift facilitated by intermediaries in the ICN such as Driscoll's (see Chapter 3). Meanwhile, the retailer takes advantage of and contributes to the loose labor markets that provide it structural power in labor markets (Silver 2003), as viewed in its start by employing workers under minimum wage rates, major expansion on the wave of workers added to the labor market by welfare reforms, and, most prominently, steadfast resistance of unionism. Socially, Walmart not only uses the precarious livelihood conditions created by public policies but also the social orders characteristic of the time and place of its founding. From its earliest days, the company has projected the imaginary of a paternalistic family with the company CEO as caretaker of 'associates' to divert workers' attention away from the material experience of working for immiserating wages and without the right to participate in work rules. Walmart has of course used its bargaining power not as separate conceptual categories, but as a system of reinforcing practices. Political decisions and social hierarchies have supported its extraction of extraordinary surplus value from the labor processes at its stores and in its ICNs, which in turn facilitated its capture of retail market share, reinforcing its ability to assert monopsonistic power in its exchanges with labor and suppliers. How workers at Walmart have confronted its bargaining power is the subject addressed in the following section.

Labor Organizing at Walmart

Worker efforts to gain participation in work rules, dignity, at Walmart have occurred in dialectic relation to the growth of the company's bargaining power, derived from its monopoly power in sales and monopsony power in the labor market and over its suppliers. Labor's collective action towards Walmart proceeded in multiple stages, prominently differentiated between a clear demand for union representation and collective bargaining and later requests that the company

improve working conditions. While not in all cases, workers have demonstrated associational and coalitional power building through recognition of each other's dignity. The power building has yet to gain sufficient strength to counter Walmart's structural power in labor markets and product sourcing and sales markets, nor to counter the company's political power. The impediments to workers' power building process at Walmart are most evident in the United States, where the company employs more than 1.5 million workers. This section traces labor organizing at Walmart in the United States and identifies the impediments that have prevented surges of associational and coalitional power building from proceeding to the development of institutional power.

Unionization Campaigns at Walmart

No group of workers has ever succeeded in establishing unionization, much less collective bargaining, at Walmart in the United States. The shortcomings of several efforts have highlighted the company's ability to deny freedom of association and collective bargaining rights under the US labor relations system, including Walmart's political power, the difficulties workers confront to disrupt the company's capital accumulation due to its expansive size, and the precarious socio-economic and political position of workers due to the price elastic demand for their labor resulting in disunity and low strike leverage.

The first union elections at Walmart occurred in 1972 when Walmart fired Connie Kreyling after she discussed unionization at the Mexico, Missouri store. The St. Louis-based Retail Clerks Union rallied workers at two stores to support her and to unionize to address their common grievance of unfair treatment by domineering managers (Ortega 1998: 87; Lichtenstein 2008). Workers overheard headquarters manager Jack Shewmaker telling their store manager "if he caught any employees with union cards, he should fire them even if he had to hire all new

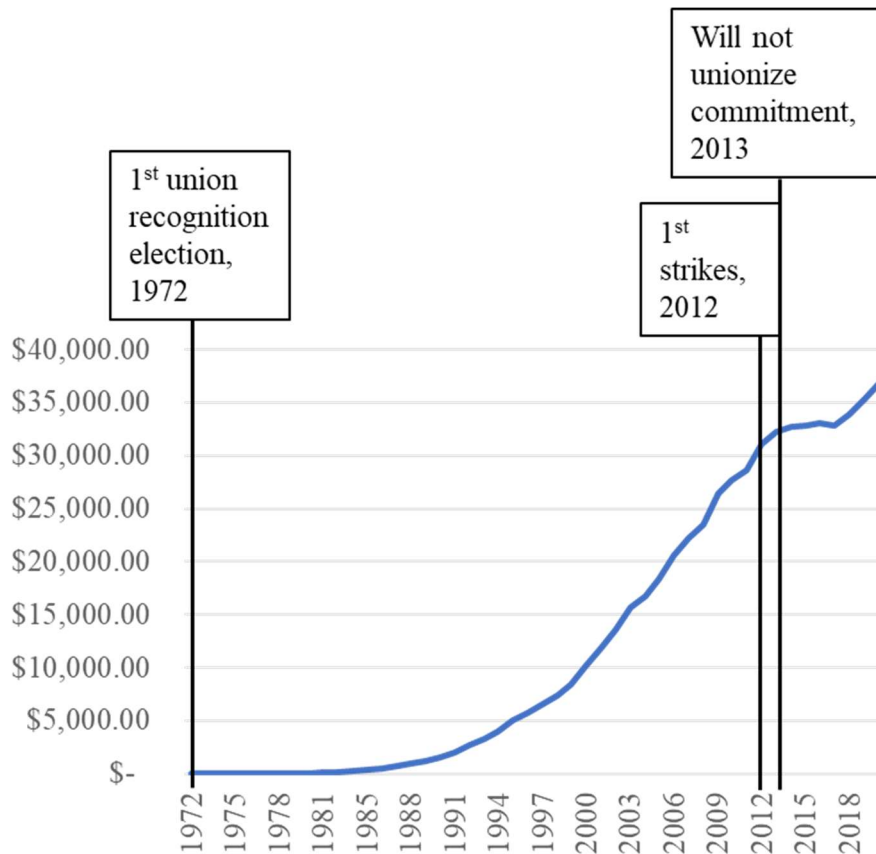
employees” (Wal-Mart Stores, Inc., 201 N.L.R.B. 250, 251 (1973)). Management stopped the unionization effort, and for its violations of workers’ rights to engage in concerted activity, rehired Kreyling and posted a notice that they would not “discourage membership...or...union activities” (*Ibid*). The company made a mockery of the NLRB system by proceeding to hire John Tate, the anti-union activist who added a ‘crumb-sharing’ plan, training to avoid unfair labor practices, and a political strategy to reduce regulation of the company’s absolute rejection of union collective bargaining (Ortega 1998: 87-88; Lichtenstein 2008).¹¹³

The next union elections were led by drivers and warehouse workers at Walmart distribution centers in Bentonville and Searcy, Arkansas. The International Brotherhood of Teamsters (“Teamsters”) represented workers making higher wages in neighboring states and supported the Walmart workers’ union campaign. When half or so of the workers signed union cards, Walmart founder Sam Walton and his brother intervened. Workers recalled the founder and then CEO threatened them: “He told us that if the union got in, the warehouse would be closed...He said people could vote any way they wanted, but he’d close her right up” (Ortega 1998: 107). The company’s anti-union consultant Tate plastered the distribution center with every criticism of the Teamsters he could find and headlined it “Walk the 90-Foot Walk of Teamster Shame” (*Ibid*: 88, 106). The union lost the election and did not renew efforts with workers at Walmart, which promptly raised drivers’ wages to prevailing rates, reduced drivers’ hours, and improved their equipment.

As a thought experiment, at the time of the first retail unionization drives, unions in the United States could have matched Walmart revenue dollar for dollar with just \$6.43 from each of their 18 million members. For the next decade, US union members could have contributed less than \$1 per day to fund organizing workers at Walmart and continued to match the company’s

annual sales revenue dollar for dollar. In 2020, matching Walmart financially would have cost union members almost their entire year's salary, at average wage rates in the retail sector. Chart 9 shows the trend. Obviously this approximation of resources is only indicative of the changing relations between US labor and Walmart over the last five decades. Walmart diversified its revenues and expanded internationally. US labor unions are legally required to serve their members, and strategically compelled to engage in myriad struggles, increasingly with managers who do not recognize their legitimacy over these decades. However, it underscores key changes in bargaining power, especially a dramatic increase in management's strike leverage. When unions led the first strikes at Walmart in 2012, there was no chance workers could withstand the loss of wages longer than Walmart could withstand the loss of sales, a reality perhaps reflected in the small number of actual employees who participated in the collective action.

Chart 9: Dollars per US union member to match Walmart Sales, 1972-2020



Sources: Author's organization of data in Walmart timeline (Walmart 2021b) and documentation of worker organizing at the company (especially Ortega 1998; Lichtenstein 2008; Greenhouse 2013; Woodman 2012; Wood 2013; Moberg 2013; Eidelson 2013)

The next major efforts to establish collective bargaining at Walmart were attempted with very weak bargaining power and were thus primarily defensive. After the company expanded into food retail, it took off, becoming the world's largest retailer in 1990 and largest employer in 1999, capturing more than 30% market-share in 44% of US grocery markets by the end of the 2000s, and operating more than ten thousand stores since 2012 (Walmart 2021a, b; Olson 2014). At the start of this period, the primary union representing US food retail workers, the UFCW, represented 800,000 workers at companies accounting for more than half of sales in the sector, primarily where Walmart was not, in large urban areas (Lichtenstein 2008). By the end of the 1990s, the UFCW began a series of defensive measures to protect their members, whose wages and benefits were

estimated to be nearly a third higher than those at Walmart. The union attempted organizing workers by department, in 1999 sending staff organizers to 300 stores to unionize workers in the meat cutting departments. The UFCW filed most of 288 unfair labor practices against Walmart between 1998 and 2003, alleging firings, threats, surveillance and resulting in judgements of labor law violations and no change to the company's union resistance practices (*Ibid*). In addition to the department strategy, the union attempted a geographic-based campaign, most notably to organize workers at Walmart in Las Vegas (Dicker 2002). The company not only benefited from a labor-relations regime that favors management, it was large enough to cut and run from unions, as it did by closing the meat department after butchers unionized in Texas in 2000 and by closing the entire Jonquiere, Quebec store after workers gained collective bargaining rights under the Canadian province's laws.

In the 2000s, Walmart turned towards cities where unions had greater presence in food retail, spurring 'site fights' in which community activists challenged new store openings, and yet its monopoly-based bargaining power overwhelmed workers and their sometimes allies. When UFCW contracts expired with Safeway, Albertson's, and Kroger, the three locked out 59,000 covered workers in metro Los Angeles and brought in already-hired replacements, demanding a two-tiered contract with a lower-wage tier and reductions in health insurance contributions. The three were the largest grocery-only retailers at the time, but their combined annual revenue averaged only 60% of Walmart's annual revenue in the three years prior. Walmart had announced plans to expand into southern California. While supported by the LA labor community, the union lacked the resources and strategy to counter, and in the end conceded to sustain collective bargaining relationships with the grocers (Milkman 2004).

Following the blows to unionization in food retail at the turn of the 21st century, another part of the labor movement launched a community-based approach to organizing Walmart workers. The Association of Community Organizations for Reform Now (ACORN) began two parallel projects to organize workers at the company into the Wal-Mart Workers Association (WWA) and members of the communities around its stores into the Wal-Mart Alliance for Reform Now (WARN). The efforts grew, prevented a few new stores, but did not succeed in unifying the two projects into a coalition that could challenge Walmart. The longtime union and community organizer Wade Rathke led the efforts. Rathke explained the labor organizing philosophy,

“We started from some very simple premises. Workers would organize if they were offered the opportunity to do so. If they could form and fashion an organization by their own rules and requirements, in order to engage their employer directly on their own self-interest and issues, they would do so. They would join. They would pay dues. They would articulate and identify their own issues, and they - like tens of millions of workers before and after them - would confront the employer and their supervisors when they thought they needed to do so in ways that they felt would be effective.”

The approach resonated but proved insufficient. According to Rathke, ACORN organizers called up households with relatively low incomes, reached many Walmart workers, visited workers at their homes, and signed up approximately 50% of workers engaged as dues paying WWA members. The WARN project was part of a broader “sight fight” movement. From Belfast, Maine to Inglewood, California, more than two hundred municipalities defeated proposals by Walmart to open stores in their communities (Warren 2005). The community activists opposed the retailer for its environmental degradation, competitive menace to local small business, reliance on welfare to subsidize its workers, and impacts on governance – especially securing of tax breaks (Marie 2002; Berger & Bolton 2004; Warren 2005; Green & Mason 2005).¹¹⁴ “Strategically, site fights with Wal-Mart were little more than fool’s gold, since the company was trying to build 350 stores while communities were winning 10% of these fights per year. But site fights did offer something that

galvanized all the community forces around the simple questions of appropriate community development and benefits,” wrote Rathke (2005). Activist and scholar Dorian Warren articulated a vision for coalitional power. “Organizing people – in their geographic communities as well as their workplace – to demand a say in economic policy decisions that affect their lives...builds organizational capacity while also drawing upon the often underutilized networks in which workers are organically embedded” (Warren 2005). In practice, workers at Walmart, unions, and community activists were often disconnected (Lichtenstein 2011; Fletcher 2013). The company even successfully split unions in certain cases, notably in Chicago where the building trades supported Walmart’s entry in exchange for constructing its stores, and deflated pressure by signing “community benefits agreements” that did not require unionization or have enforcement mechanisms (Featherstone 2011; Lichtenstein 2011).

While community efforts were underway, national union federations tried to shame Walmart. The Service Employees International Union (SEIU) launched Walmart Watch, due to its concern that Walmart was depressing wages economy-wide and the mounting failures of store-by-store campaigns, as described in a 2020 interview by a then AFL-CIO staff member. The SEIU was also keen to build on the comprehensive corporate campaigns that helped them increase membership and contracts, most prominently in the “Justice-for-Janitors” campaign. Such campaigns targeted investors, corporate reputations, customers, and politicians to counter the network organization of contemporary corporations (Juravich and Bronfenbrenner 1999; Juravich 2007; Anner et al. 2021). But Walmart Watch was not such a campaign. The SEIU hired the Democratic political strategist Andy Grossman to lead Walmart Watch. The company sued the union for defamation. After Democrats won a majority in the House of Representatives in 2006, then leader of the SEIU Andy Stern shut down the public relations campaign in exchange for

support for healthcare reform from the company, which the company CEO committed during a public meeting of the union and corporate leaders in 2006 (Featherstone 2007; Interview 2020). Indicating that Walmart was their turf, the UFCW launched their own PR campaign, “Wake Up Walmart,” and hired their own political strategist, Paul Blank, to lead it. The effort placed Walmart’s labor and social impacts on the platform of the 2008 presidential election by engaging each candidate. Its focus marked a turn away from unionization and collective bargaining, as articulated by Blank (2005):

“We are the ones who shop at Wal-Mart. Together, we have the power to change Wal-Mart... We will be a vehicle through which millions of Americans can join together, from neighborhoods all across our nation, to harness the power of our consumer behavior and use it to reform a company... By educating the American public about Wal-Mart's negative impact, building community coalitions at the local level, and working with elected officials, we will begin to put public pressure on Wal-Mart to change its ways and do the right thing for America.”

The public shaming had some impact. Walmart hired a public-relations consultancy, learned that 2-8% of shoppers stopped buying from it due to “negative press they have heard, and responded by boosting its corporate social responsibility (CSR) efforts (Batstone 2006). The company delivered aid to victims of Hurricane Katrina with much fanfare, committed to reducing greenhouse gas emissions, publicly stated that US Congress should increase the minimum wage (\$5.15 per hour in 2005), and claimed to increase contributions to employees’ health insurance (*Ibid*). In an internal memo, the company acknowledged that the health insurance plans it offered were costly relative to its workers’ wages and that it shifted to majority part-time workers to lower its payment of healthcare and other benefits (Greenhouse & Barbaro 2005). Critics noted that Walmart workers depended on public assistance and would pay 30% of their annual income to afford the company’s healthcare plans and receive minimal coverage (Ehrenreich 2006; Lichtenstein 2007). While the details indicated little change, Walmart’s ‘auto-biography,’ as

presented succinctly in its website timeline, and annual reports notably shifted focus from bottom line to the number of customers to whom it provided ‘savings,’ charitable donations, and so-called ‘sustainability’ initiatives such as a solar field project and another with Conservation International to ‘save’ the Amazon (Walmart 2021b). Whether the smoke-and-mirrors public-relations efforts mattered or not, campaigns for unionization and collective bargaining receded.

The rationale for alternatives to seeking union recognition from Walmart under the US labor relations system had been articulated. “Collective bargaining requires two parties committed to at least a minimal level of good faith in practice and a concession of countervailing level of power between management and labor,” wrote Rathke (2005b). Walmart had explicitly rejected such a commitment for decades and showed zero indication of change. Rathke (2005b) went on to argue for organizing towards “policies and practices to deliver immediate and important results for workers” rather than elections and contracts, goals that Walmart had mastered defeating. Many agreed “that the customary function of unions – acting as employees’ exclusive agents at work— has hit a wall, so some of the movement’s energy needs to be directed at something new” (Oswalt 2016), but not on what the new approach might be. Former NLRB Chairwoman Wilma Liebman noted, “If the next big idea was readily at hand...someone would have thought of it” (quoted in Oswalt 2016: 603). The Organization United for Respect at Walmart (OUR Walmart) took up the task of a new approach to gaining sufficient leverage to change management practices.

OUR Walmart has sought to improve working conditions at Walmart without seeking unionization and collective bargaining. The UFCW hired Dan Schladerman, then a union organizer in Chicago, to replace Blank as director of the Wake Up Walmart campaign. Workers were continuing to contact the UFCW seeking union representation (Wood 2015), and the union established OUR Walmart in 2010 as an experiment. As a nonunion worker organization, “the

employers do not have to agree to what these groups demand, but if the employer retaliates, there is a right to file an unfair practice charge and the NLRB would enforce it,” explained labor lawyer Lance Compa (quoted in Woodman 2012). OUR Walmart was viewed with cautious optimism. Labor reporter Steven Greenhouse (2011) wrote, “After numerous failed attempts to unionize Wal-Mart stores, the nation's main union for retail workers has decided to try a different approach: it has helped create a new, nonunion group of Wal-Mart employees that intends to press for better pay, benefits and most of all, more respect at work.” Others pointed out that it combined worker activism with public communications highlighting working conditions and workers’ potential to collectively improve them, and might be potent if coordinated with the communities engaged in site fights, anti-discrimination efforts coalesced around the *Walmart Inc v. Dukes (2011)* class action case, and the international labor movement’s organizing at Walmart and its suppliers in other countries (Eidelson 2013; Oswald 2016). The attempt at a new approach was viewed as necessary given “the strategic importance of successfully organizing Walmart” as the largest company, “yet it is clear that in the absence of building a stable labor union, any and all victories that may be won by the workers will be fragile, at best” (Fletcher 2013). Without workers with the leverage to enforce contracts, the chances for success were slim.

Initially, OUR Walmart appeared to taking advantage of the liminal space between the protection of concerted activity under the labor relations system of the National Labor Relations Act (NLRA) and outside that system’s regulations of worker collective action. The UFCW funded OUR Walmart initially, but the latter presented itself publicly as more independent from the union than a new campaign. Part of the funding went to ASGK Public Strategies, a political strategy consultancy (Greenhouse 2011). OUR Walmart began with organizing, agitating, and direct action. Staff started visiting Walmart workers perceived as sympathetic at their homes to build a base of

organizers who it trained to then organize their coworkers, often attempting to link organizers with coworkers of similar social identities (Wood 2015: 260). They surveyed Walmart workers, and based on responses from organizing efforts and the survey, in year two it launched “The Declaration,” demanding Walmart’s recognition of freedoms of association and speech, “wages and benefits to ensure that no Associate has to rely on government assistance” (Greenhouse 2011; Oswalt 2016). Specific demands included a minimum annual rate of \$25,000 initially leading to a \$15 per hour rate over time, end of on-demand scheduling, and policies to respect pregnant workers (Oswalt 2016). OUR Walmart reported 50 dues-paying members in some stores in 2011 (Greenhouse 2011) and 4,000 total members in 2012 (Berfield 2012), about 0.27% of Walmart’s US employees and 0.18% of its total workforce at the time (Walmart 2021a).

Beginning in 2012, OUR Walmart organized the first reported strikes in Walmart’s then 50-year history (Logan 2014), appearing to signal realization in the labor movement that striking needed renewal.¹¹⁵ In 2012, on the largest retail sales day of the year, “Black Friday” after the US Thanksgiving holiday, OUR Walmart coordinate strike actions at Walmart stores in 46 states. Observers estimated that 400-500 Walmart employees participated alongside 30,000 activists (Berfield 2012; Eidelson 2013). On Black Friday 2013, they repeated the direct action, again with hundreds of Walmart workers joined by thousands of activists. In between, OUR Walmart led smaller strikes and protests at stores and distribution centers, including creative tactics of ‘flash mobs’ in store aisles, projections of protest images onto store exteriors, and loud demonstrations in parking lots (Greenhouse & Clifford 2012; Oswalt 2016). In June 2013, 100 workers embarked on a two-week moving strike, riding buses across the United States to recall the “Freedom Riders” actions of the 1950s Civil Rights Movement (Wood 2013).

The international labor movement asserted its leverage to support the US-based Walmart workers. The UNI Global Union Alliance @Walmart of unions affiliated with the international union federation UNI Global coordinated actions with the strikes and protests in the retailer's home country. UNI affiliates in Brazil struck at stores in Sao Paulo, in Argentina organized protests at thirty Walmart stores, and in Chile organized a strike and occupation of the Walmart-owned Acenta stores (Logan 2014). Also in 2013, OUR Walmart convinced the largest public pension fund in Sweden to divest from Walmart (*Ibid*).

Workers also targeted critical nodes in Walmart's international commodity networks. Given the company's reliance on just-in-time retailing that involves constant international movement of products, distribution centers and transportation were "seen as the Achilles' heel" (Bonacich and Wilson 2005). Workers laboring in the ports and warehouses of southern California formed Warehouse Workers United (WWU) in 2009, then the non-union Warehouse Worker Resource Center (WWRC) in 2011. Over the next years, they struck a distribution complex in Riverside, organized a march, published a report, and filed a lawsuit (WWRC 2021). After state courts ruled in workers' favor, the Walmart contractor Schneider settled with the workers in 2014, agreeing to pay \$21 million in backpay (*Ibid*). In metro Chicago, where warehouse workers were handling an estimated 70% of Walmart's imports, management fired workers for organizing, and 38 of the workforce of hundreds struck for three weeks (Slaughter 2013). The workers in Illinois also proceeded to form a worker center, Warehouse Workers for Justice, and to file complaints with state-level regulatory agencies. Yet Walmart and its followers had organized in network form to mitigate such attempted disruptions and by the 2010s used a network of subcontractors employing temporary workers for distribution (Meyerson 2009).

Yet in the midst of the upsurge of direct action at Walmart retail and distribution centers, the UFCW and OUR Walmart communicated that unionism was not the goal. Less than two months after the 2012 Black Friday strike, the union wrote to the NLRB that OUR Walmart “has no intent to have Wal-Mart recognize or bargain with it as the representative of Wal-Mart employees” (quoted in Greenhouse 2013). They were responding to a ULP filed by the company. The company’s ULP against the UFCW alleging that the strikes were illegal under the judicial precedent that permits employers to fire workers engaged in “intermittent” strikes (Oswalt 2016). Legal scholar Michael Oswalt (2016: 662-663) points out that the ban on repeated strikes lacked clear bounds, such as the number of strikes that would be too many, and is “irreconcilable with the NLRA’s plain text, which commands that ‘[n]othing’ is to ‘interfere with or diminish in any way the right to strike,’ and its intent, which puts the ‘right to strike at its core.’” Oswalt (2016: 667-668) points out that the OUR Walmart and other repeated strikes might avoid legal pushback by focusing each on a distinct issue, and use it primarily to build solidarity. In addition to the ULP, Walmart obtained seven statewide injunctions preventing labor organizers and anyone else from collective action on its property, which remain in effect.¹¹⁶ The UFCW apparently surmised that its ability to represent current members would be imperiled if it continued to support direct actions led by OUR Walmart, by the fines that it would face.

Although the strikes continued through Black Friday of 2014, workers’ bargaining power disadvantage again took center stage. The associational and coalitional power that OUR Walmart was building was no match for Walmart’s combined state-based institutional power and structural power, which were enabling the company to resist collective bargaining, replace workers, cover any fines from illegally disciplining workers, and maintain customers. Walmart had fired dozens of workers who participated in strikes, disciplined more (Brown 2013; Eidelson 2013; Wood

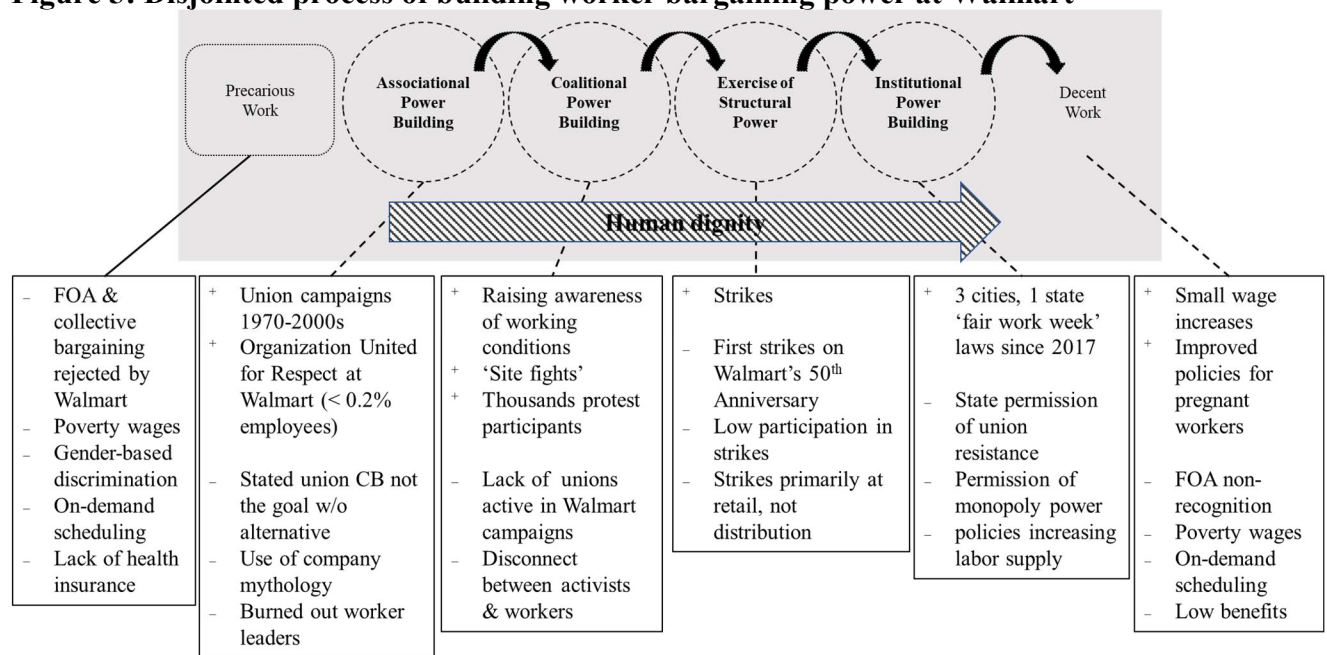
2013), despite a reported internal corporate memo to managers that they should not fire workers for participation in concerted activity because doing so is illegal (Featherstone 2012). The company shut down its store where the first strike occurred, in Pico Rivera, California, for six months, and explained the action as plumbing repairs while OUR Walmart accused it of retaliation (Zillman 2015). The UFCW filed ULPs against Walmart on behalf of some 200 workers alleging retaliation against protected concerted activity between 2012 and 2015 (Berfield 2015), but of course with little impact on the company. Worker participation in strikes declined between 2012 and 2014, and subsequently the strike wave diminished. In its wake, the UFCW ceased funding OUR Walmart, and OUR Walmart communications began to include the statement that it “is not a labor union and does not exist for the purpose of dealing with employers concerning grievances, labor disputes, or terms and conditions of employment.”

As a non-union advocacy NGO, OUR Walmart re-emerged in 2015. With funding from private philanthropic foundations, the organization continued with efforts to recruit workers to become members and to issue calls for reform of Walmart’s employment practices. It had a governing board of five workers and two directors – including Schladerman, ten fulltime organizers, and members paying \$5 per month dues in 2,000 Walmart stores (Moberg 2015). While OUR Walmart re-introduced itself, the company again signaled its power. Walmart announced an increase of starting wage rates to \$10 per hour in 2015, a raise but not enough for single adults to cover living costs in any state at the time; it simultaneously bought back shares, boosting dividends for its shareholders, and paid its CEO more than a thousand times the earnings of hourly workers (Moberg 2015).

Dignity Denied: The disrupted process of building labor power at Walmart

Walmart has denied workers' dignity, never conceding them participation in the rules to which they are subjected as its employees while treating them in patronizing terms as part of the Walmart family. Labor's efforts to compel the company to recognize workers' dignity have resulted in limited material improvements. The complete negation of demands for collective bargaining primarily reflects the company's structural and political power resources. Secondly, it reflects insufficient associational power building by the labor movement. Figure 5 synthesizes the disjointed process of building worker bargaining power at Walmart, addressed in more detail in this section.

Figure 5: Disjointed process of building worker bargaining power at Walmart



To start with the terms and conditions of work at Walmart, they have remained precarious. The company began denying freedom of association and right to collective bargaining, paying wages below costs of living, discriminating against female employees, and over time added on-demand scheduling and offers of health insurance plans too costly for most of its workers to afford.

In the last decade, the company increased starting hourly wage rates from the national minimum to \$10 in 2015, then \$11 in 2018. The increases likely reflect both pressure from the OUR Walmart campaign, which called for \$15 per hour rates, and in the tightest labor market in a decade.¹¹⁷ OUR Walmart also reports that it contributed to Walmart's improvements in accommodations for pregnant workers and paid family leave (United for Respect 2021). Since OUR Walmart became a fully independent NGO, it also expanded the scope of its campaigns and changed its organizational name to United for Respect, retaining OUR Walmart as the name of its campaign targeting the company. United for Respect has lobbied for regulation of scheduling by employers, contributing to laws enacted in the State of Oregon and the cities of New York, Philadelphia, and Emeryville, California.¹¹⁸ It also organized a class action lawsuit that resulted in some severance pay to workers laid off when private equity investors led the toy retailer Toys 'R Us through bankruptcy in 2018, and is calling for severance for workers laid off when investors merged retailers Kmart and Sears.¹¹⁹

Workers' attempts to organize at Walmart have demonstrated its strong political power. As described above, US policies facilitated the company's resistance to unions with a labor relations system that does little to regulate employers, its monopsony power in labor markets with policies increasing the labor supply (e.g. work-for-welfare since the 1990s), its monopsony power over suppliers with international trade and investment policies insulating the company from risks, and monopoly power in US retail by changing anti-trust law intent from supporting competition to deflating consumer prices. Of course, while Walmart lobbied for such policies, it did not do so alone, and they increased state-based institutional power of many US-based companies. A study of more than 1,000 union election campaigns, conducted in 2009 around the tail end of unionization efforts at Walmart, found that management fired union supporters in 34% of them,

threatened union supporters with disciplinary action in 54% of them, threatened wage and benefit reductions in 47% of them, and interrogated workers about the union in one-on-one meetings in 63% of them (Bronfenbrenner 2009). Unions engaged in organizing workers at Walmart signaled misunderstanding or refusal to recognize the company's power derived from US policies for decades. After more than three decades of Walmart using and easily violating US labor laws, a union official proclaimed in 2003, "This is a historic decision – the first bargaining order issued against Wal-Mart" (quote in *Multinational Monitor* 2003). The bargaining order was the end result of an unfair labor practice charge filed when Walmart closed its entire meat processing department after workers in it at one store unionized. It was meaningless; the US judiciary accepted Walmart's termination of the entire meat processing department.

Workers at Walmart have also lacked structural power, at the workplace and in the labor market. Walmart's ability to engage in a capital strike, to divest its capital from employment of labor, has far exceeded workers' ability to engage in a labor strike. The examples emerged when workers tried, in 2000 when Walmart shut down the meat processing department after workers in it unionized at a store in Texas, shut down its entire store after workers gained collective bargaining rights in Jonquiere, Quebec, Canada in 2004, and shut down its store in Pico Rivera, California, ostensibly for 'plumbing repairs,' after one-third of its workers joined OUR Walmart and led the first Black Friday strike with perhaps the most worker participation. Labor process analysis of retail workplaces helps explain the workplace structural power gap. In retail, managers have introduced productivity-increasing technologies in the forms that monitor individual workers – in Walmart's case electronic cash registers, hand-held scanners, and video surveillance. These are importantly different than technologies like the assembly line, which serves as a means of control over workers' pace and precision (Edwards 1979), while also physically locating workers together

at a choke point where they can disrupt the labor process (Silver 2003). Instead, the technologies used by Walmart enhance centralized managerial control. Corporate headquarters controls even the number of work hours available for use at a store, leaving individual store managers only with direct control over the allocation of the hours among workers (Lichtenstein 2008; Reich & Bearman 2018). Furthermore, working-to-rule as an option, such as that used in airlines and railroads, is limited for retail workers, because they are dispersed from each other, and their interactions are interrupted by customers (Reich & Bearman 2018: 159). In addition to risking disciplinary action by management, slowing the labor process in a Walmart is likely to win the worker the wrath of a frustrated customer. The workplace structural power advantage is of course clearest in Walmart's more than 11,000 retail stores.

The company has itself pointed out that its vulnerability to pressure by labor is in its distribution network. The only union campaigns to which Walmart responded in part by clearly improving working conditions were those at two of a handful of distribution centers it operated in the early 1980s (Ortega 1998; Lichtenstein 2008). In response to a question about the largest gender-discrimination lawsuit in US history against Walmart, a company spokesperson again signaled the company's vulnerability and priority in distribution: "We've spent so much time making sure we had a world-class distribution system and supplier network that we probably did not pay as much attention to making sure we got the personnel stuff right" (Daniels 2003). As Edna Bonacich and Jake Wilson argue, the organization of international commodity networks means that all things sold at Walmart "must pass through critical chokepoints, such as the ports and nearby transportation and warehousing systems, which would be especially vulnerable to such actions." If the Walmart's power is reproduced through extraction of extraordinary value via monopsony power over suppliers and labor and monopoly power, leveraging such chokepoints may be a means

to redistribute more value to labor throughout the ICNs led by the retailer. In the strawberry sector, transportation in North America is entirely by truck and mostly controlled by the leading brands, especially Driscoll's, indicating that some choke points are beyond Walmart's direct control. Coordinated unionization campaigns by retail and distribution workers have been noted as potential labor strategies to unionize Walmart and used to do so in Chile (Dicker 2002; Bank Muñoz 2017).

Just as labor's low workplace structural power is in part derived from organization of the labor process and the political power that enabled the company to grow to dominate its suppliers and the retail industry, policies have contributed to labor's low marketplace structural power. As income and wealth inequities peaked in the United States, sociologists observed declining likelihood of a child's income exceeding that of his or her parents, making "[u]pward income mobility...no longer the norm." (Reich & Bearman 2018: 74).¹²⁰ Macroeconomic policies and declines in unionization contributed (Piketty 2014; Rosenfeld 2006; Western & Rosenfeld 2011). To reduced opportunities for income generation or alternative livelihoods, so did discrete political decisions. The aforementioned work-for-welfare policy change in the 1990s contributed to an expanded labor supply for employers like Walmart. Expanded incarceration further contributed workers, formerly incarcerated and often blacklisted from much of the labor market. Furthermore, the regulatory regime over both groups, conditioning welfare on work and narrow job opportunities, meant members of them were unlikely to participate in collective action (Reich & Bearman 2018: 81). Challenging a company like Walmart would require robust associational and coalitional power before workers might have an impact on their position in economic and political systems.

The lack of associational power of Walmart workers characterizes the entire history of the company. The first unionization campaigns in 1970 resulted in an order to reinstate a worker fired for union support two years after the fact, when she had already, necessarily, found another job (Ortega 1998: 89). The false start for collective bargaining at Walmart indicated the effective immunity enjoyed by the company to break labor laws stating the rights of workers to collective action. It also indicated the low union membership density in retail, which had already reached a peak of 15% and was concentrated in coastal food retailers (Ikeler 2016: 42). Furthermore, the tendency of unions to invest little in organizing workers at Walmart was already apparent. The retail union that attempted the 1970s drives reportedly mounted little more than a few pickets (Ortega 1998; Lichtenstein 2008). The next attempts in the early 1980s were again crushed with illegal and legal opposition, this time against unionism among warehouse and transport workers. By the time the food retail union UFCW attempted organizing workers at Walmart in the 1990s, they faced a far more powerful company – one that from 1980-2000 expanded from 315 to 3,996 stores (nearly 13 times more), less than 40,000 employees to 1.1 million (28 times more), and from \$1.2 billion annual revenue to \$166.8 billion (133 times more) (Walmart 2021a). When asked about strategy to unionize Walmart in the 2000s, a former AFL-CIO organizer pointed out that the return on investment for unions was prohibitively high at Walmart. The lead organizer of the Walmart Workers Association, Wade Rathke (2005), articulated the same view at the time. Unsaid, however, is that the power Walmart wielded in the 2000s was accrued over the decades since the initial union organizing drives. By the time the UFCW focused on Walmart in the 2000s, it knew that unionizing the company would mitigate declining bargaining power in retail and perhaps the economy overall and would risk depleting its resources so far as to fail to represent its current members. The return-on-investment problem led to the Walmart Watch and Wake-Up Walmart

campaigns, which union organizers characterized as contributing to increased awareness of low-wage working conditions but were public relations, not organizing campaigns.

The emphasis on publicity-focused actions has continued to date. In addition to the defensive rationale that Walmart's contemporary political and structural power overwhelm unionization campaigns under US policies, the progressive, Gramscian rationale of each iteration – Walmart Watch, Wake-Up Walmart, OUR Walmart, and United for Respect – was to crack and even begin to reorder the current hegemonic bloc by substituting acceptance with rejection of the company's legitimacy as common sense, i.e. through use of symbolic power. As one retail union organizer surmised in retrospect (Interview 2020), the Wake-Up Walmart campaign contributed to “shift in the collective mindset of society, changed the consciousness of workers and people generally to not resign themselves to scraps, and that if you work, you have rights.” Later use of social media networks by OUR Walmart helped to project a larger scale of collective action than realized (Wood 2015: 268), which might have led to increased worker participation by increasing perceived strike-leverage and bargaining power of the organization and unionism. Yet symbolic power is understood to involve both the rendering recognizable “the violence objectively present in actual life” (Bourdieu 1991: 170), and the imposition of “the legitimate vision of the social world...and the direction in which it is going and should go” (Bourdieu 2000: 185). Furthermore, when a representative deploys symbolic power at a distance from the represented, they risk believing that they are their own source of power as opposed to their represented social base (Bourdieu 1991: 203-219). Both a lack of articulated vision for the alternative to current conditions and apparent distance between leaders and workers have been evident in labor's efforts to build power at Walmart.

The disjointed character of building associational, and coalitional, power at Walmart speaks to the foundational importance of dignity in the process. When unions focused on the company starting in the late 1990s, it had concentrated the largest group of workers and exploited them in conditions legitimately characterized as “breach of legal or collective agreement, rights or of widely shared social values,” a requirement for collective action (Kelly 2015: 66).¹²¹ Yet any message of Walmart violating workers’ rights was muddled by regurgitations of the company’s own symbolically potent language. Unions ran campaign messages calling for “restoring Sam’s vision” (quoted in Dicker 2002), confusing Walmart’s hagiography for the reality, that the company founder had defied labor laws, established its union resistance orthodoxy, and overseen declining absolute and real wages over his tenure. The subsequent Wake Up Walmart campaign launched with the declaration by its director that consumers would save workers at the retailer (Blank 2005). This was the representative of the union ostensibly there to support workers’ collective agency, placing workers in the position of a disempowered object for others to empathize. In the next stage, OUR Walmart proposed the aforementioned resolution, again articulating internalization of Walmart’s projection of the company as patron of its workers.¹²² The broadly accepted view appeared to be that unions needed to blunt offense and “appeal to many conservative-leaning, union-skeptical Walmart workers” (Woodman 2012), as though such taking on one of the only available jobs automatically meant buy-in to the company’s claims of care for its workers. In different contexts, where unions have effectively demanded collective bargaining at Walmart for it to operate, they have rejected its overt use of symbolic power as a means to control workers.¹²³ Clearly union organizers needed to pierce through the combination of fear of retaliation and rhetorical corporate benevolence that characterized Walmart employment relations since its earliest days; minimizing workers’ agency was ineffectual.

Indications of the fetishization of unions and advocacy organizations as the sources of their own power as opposed to the workers also sprinkled labor's power building process at Walmart. When Walmart took over food retail in the 1990s, unions understandably became concerned about their ability to sustain the gains achieved for members,¹²⁴ and their approach to Walmart "was therefore essentially defensive" (Lichtenstein 2008). Into the 2000s, observers noted, "The struggle is now being waged by a vanguard of union lawyers. Ultimately they will have to take a back seat to shop-floor workers, member organizers and, most significant, the communities where workers live...before a movement becomes something tangible, and not just a feel-good progressive mirage" (Dicker 2002). Yet the largest campaigns of the next decades featured more top-heavy organization than worker organizing. With the apparent exception of the Walmart Workers Association, in the 2000s unions hired political strategists to lead publicity-focused campaigns instead of investing in worker organizing. Enter OUR Walmart, and reminders from veteran labor organizers that unionization needed to be on the table (Fletcher 2013). Yet the organization carried on with little clear commitment from workers, which "would come through education, internal organization and the confidence from winning smaller fights," as another labor organizer noted (Olney 2015). After OUR Walmart became a fully independent NGO and expanded into United for Respect, worker organizers brought on as staff reported a culture of prioritizing sustained funding from foundations through media events over worker engagement, much less education or organizing. Summarizing their and fellow staff concerns, one United for Respect (UFR) organizer wrote:

"Organizers are given no time to focus on building relationships with their workers and are forced to ignore the will of the workers in order to go along with decisions made without any worker input. When organizers voice our challenges to management, we are ignored...It is irresponsible to ask workers to strike without any support from their co-workers...even worse to then demobilize them after, where they will likely face retaliation

from the boss and have no support from us because we are now forced to work on the next big press event...By presenting itself as a membership-based organization, but internally abandoning organizing in favor of a legal and political approach, UFR is lying to workers and wasting the time of their organizers.” (Leo 2020)

As the United for Respect organizer alludes to, the disconnect between organization and workers it claims to represent both diminishes labor’s bargaining power now and into the future by eroding perception of collective action as an effective means of social change. The decline in union membership in the last decades has been noted for, among other effects, risking lost memory of the why and how of unionism. As another veteran organizer described the risk in a 2021 interview, “we’re running on fumes.”

In their rich study of OUR Walmart, Reich and Bearman conclude, “[t]o change places like Walmart, impacting the brand...is insufficient without also impacting the social relations between these companies and those who work for them” (2018: 4). Organizing workers at Walmart would require transcending the company’s persistent message that it cares for each individual worker and articulating the possibility of collective control over the workplace. Reich and Bearman delve deeper into the question of social change by considering the cognitive changes that occur when workers and effective organizers connect. They conclude that “organizing is about inducing that kind of realignment of self and other.” The realignment is dispelling the notion of impossibility and recognizing the capacity of each other to participate in the establishment of the rules at work, the rules of political society. When workers by the hundreds were joined by thousands of activists for strikes on Black Fridays, the use of social media to amplify the action appeared to convey such recognition. Yet the media-focused campaigns and clear statement rejecting worker participation in the work rules at Walmart only months after the first strike offered no recognition of workers’ dignity.

The ability to retroactively reconsider possibilities always risks misinterpreting them. As Eric Hobsbawm (1952) suggested, it is important to assess collective action in terms of actually existing alternatives. The organization of this chapter has sought to do so, by starting with the ICN analysis of Walmart's bargaining power before turning to labor's process of building power. Notably, additional analyses of labor organizing at Walmart have concluded that alternatives have yet to be imagined. As sociologist Alex Wood (2015: 270) notes, "given the high level of surveillance, fear of retaliation and lack of structural power of these workers, even if a more traditional union structure were seen as superior, it seems highly unlikely that a mobilisation would be able to take such a form in the foreseeable future." A former AFL-CIO organizer offered, the "odds [for unionization] are just impossible," so labor needs to look for means to make improvements. A retail union organizer pointed out that it is not only Walmart but now its followers: "most are massive with many sites, making it difficult to organize a critical mass of workers...the question remains what will be successful, bring companies to table" (Interview 2020).

Understanding bargaining power at Walmart appears relevant for the 2.2 million workers it employs as well as its proteges. Walmart remains the largest company in the world. Recent union organizing efforts at the fastest growing retailer, Amazon, appear like rewind views of union campaigns at Walmart in the 2000s. Titles "How Wal-Mart Fights Unions" (Lichtenstein 2008) have been replaced with "How Amazon Crushes Unions" (Streitfeld 2021). Walmart founder Sam Walton's disregard for minimum wages has been replaced by Amazon founder Jeff Bezos's mandatory overtime as the source of surplus value giving the company its early competitive edge, sharpened over time with the use of the latest information technologies, loss-leader sales, squeezing of suppliers, use of favorable anti-trust laws, and union resistance (Spector 2000; Daisey

2002; Brandt 2011). Like Walmart, Amazon defeated union campaigns with legal and illegal tactics centered on intimidation and reliance on a loose labor market, at its customer service call centers and its warehouses (Streitfeld 2021). According to managers at Driscoll's and multiple strawberry production companies, Amazon remains small in the sector,¹²⁵ using its Whole Foods brand as a means to develop its food retail strategy. Managers of production and workers in strawberry ICNs will likely have to contend with Amazon more and more, given its growth from 157th to 4th largest retailer from 2001 to 2017, growth rate three times faster than any other top-ten retailer, and propulsion to the leader in online food retail by the stay-at-home restrictions in 2020 (Deloitte 2019, 2020; Hiner 2020; Fernandez 2020). The continuity between Walmart and Amazon of course extends only so far, and some see signs of a different conjuncture of social and political forces. As a current retail organizer noted, workers are talking about the “change in media regarding coverage of labor issues – in recent years more positive coverage of what unions do for working conditions and democratic society. Also, when you recognize the risk of fascism, you are motivated to push democracy – a motivation that workers are now expressing.”

[A Shadow Case of Strawberry Sales: Shifting Bargaining Power in German Food Retail](#)

Turning to the lead firm of strawberry ICNs that have production located in Spain, the German food retailers Aldi and Lidl, it is evident that previously negotiated institutional power provides labor with more bargaining power than in the case of Walmart in the United States. State-based institutions account for the differences in the terms and conditions of employment at the leading food retailers in Germany and the terms and conditions of exchange between the retailer and its suppliers. The most relevant institutions include co-determination as the governance doctrine in employment relations, competition regulation limiting concentrated market power, and

supply chain due diligence frameworks attempting to establish partial co-responsibility for management of production. While employment in food retail in Germany is less precarious than in the United States, and new laws signal attempts to regulate international sourcing, these institutions are susceptible to and indicating signs of erosion. Compared with Walmart in the United States, bargaining power thus appears similar, yet embedded in a more robust institutional complex indicating prior labor collective action and ongoing, albeit tenuous capacity to participate in work rules. On management's side, sales market power, access to a relatively price inelastic supply of labor, and purchasing power vis-à-vis suppliers form the interlocking wheels driving the German retailers' competitiveness. On labor's side, the erosion of co-determination institutions points to a power fetishization, an expectation that the previously negotiated state- and employer-based forms of institutional power are self-sustaining as opposed to requiring renewal of the associational power underpinning them.

The lead companies of the ICNs in which strawberry production is located in Spain are based throughout Europe, primarily Germany. Production companies in Spain on average exported 82% of strawberries produced between 2014 and 2018, and fresh strawberries accounted on average for 85% of the exports, according to FAO and UN COMTRADE production and trade data. Germany accounted for 32% of fresh strawberry exports from Spain during the same period (UN COMTRADE).¹²⁶ Indicating concentration in German food retail, Lidl and Aldi reportedly account for 40% of the industry's market share (O'Brady 2021). The parent of Lidl, Schwarz Group, and Aldi are also fourth and eighth largest retailers worldwide (Deloitte 2021). Although other discount food retailers, e.g. Rewe, have grown, Lidl has maintained its position as the largest in Europe (Van Rompaey 2020).

Comparing the employment relations in the retail industries of the United States and Germany indicates common reliance on value extraction from the labor process and variation in the precariousness experienced by the workers. Technology adoption and international competition based on low prices have driven retail management to seek and exploit options to ‘exit’ employment regulations (Jaehrling & Méhaut 2013; Carré & Tilly 2017: 111). The common drivers have led to some common employment outcomes despite the different national institutions. In both Germany and the United States, an estimated 42% of retail workers earn less than two-thirds of the national median, although a European Union directive requires retailers throughout the region to pay equal rates to part-time and full-time employees and employ workers for a minimum number of hours per week (Carré & Tilly 2017: 113). Competitive pressures also drive retail management’s attempt to match labor employment to demand ever-more precisely, reflected in sector’s uses part-time contracting more than other sectors. In Germany, 50.2% of workers are hired on part-time contracts in retail compared to 25.5% economy-wide, and in the United States, 27.7% of workers are part time in retail compared to 17.2% economy-wide (Carré & Tilly 2017: 120). To exploit historic patterns of less union representation of women and young workers, retail employs high concentrations of both groups in the two countries (Carré & Tilly 2017: 121). The countries’ retail sectors diverge on worker voice, turnover, and health and safety. The US retail sector is characterized by management unilateral control over work hours and retaliation against workers who do not offer maximum flexibility; in contrast in Germany, laws require management to post work schedules 26 weeks in advance in Germany and for management to negotiate scheduling with works councils (Carré & Tilly 2017: 123-124). Turnover in retail also varies significantly, at 50% in the United States compared to 20% in Germany, which may reflect the country’s vocational training for 81% of retail workers, higher unemployment rate, and older

average age of workers (Carré & Tilly 2017: 135-139). With respect to health and safety, national ergonomic standards and labor inspections sustain practices such as providing retail cashiers with seats in Germany, whereas the workers stand in the United States (Carré & Tilly 2017: 134). As Françoise Carré and Chris Tilly conclude in their multi-country study of retail employment, the trend of “intensified use of exit options to cut labor costs” is partially mitigated by national institutions.

In addition to labor relations institutions, Germany’s competition policy limits the dynamic bargaining power model of Walmart that is underpinned by domination of sales, supply, and labor markets. In contrast to the ‘consumer-welfare’ doctrine of US anti-trust policy of the last forty years, Germany has regulated deliberately to sustain economic competition (Wise 2005). Rooted in ordoliberal ideology, the country intent to control, manage, and organize competition produced “characteristic features of Germany’s competition law system: a clear prohibition against horizontal cartels, moderated by rules that accommodate efficient co-operation, applied through legal analysis rather than administrative discretion, coupled with strong merger control and protection of small business interests,” features that have sustained a large portion of medium-size businesses in the economy (*Ibid*). The focus of regulators is on competition, not a notion of ‘consumer welfare’ (Mundt 2018). Thus, when Walmart sought to compete in the German food retail industry, regulators ordered competitors such as Lidl and Aldi to stop their price wars and raise prices, i.e. to cease loss-leader strategies (Seifert 2000). Walmart gained 10% market share but lost \$200 million annually, prompting the company to leave after its eight years attempting to turn profit in Germany (Christopherson 2007). As Susan Christopherson (2007) argues, the company was unable to control labor due to co-determination requirements, suppliers due to partnership models of retail-supplier relations, and sales markets due to regulations of its

management decisions, e.g. foreclosing externalization of labor costs to society as practiced in the United States. Indicative of the different regulatory environment, Walmart's revenue was more than three times that of its nearest retail competitor in the United States (Amazon) and more than four times that of the German leader Schwarz Group, whose revenue is less than 1.5 times that of its nearest competitor Aldi (Deloitte 2021).

Another limit on the retail model of extraction is Germany's attempt to impose a degree of co-responsibility for labor and human rights impacts in international supply chains of companies based in the country. The United Nations Guiding Principles (UNGPs) for Business and Human Rights established international norms for governments to protect, companies to respect, and people to access remedy for violations of human rights. The UNGPs (2011: ¶13) states that companies' responsibilities require that they "(a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts." The UNGPs (2011: ¶1) further establish that "States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises." Several governments have since established National Action Plans (NAPs) for UNGP implementation, and multiple countries have enacted mandatory human rights due diligence laws to uphold their duties under the UNGPs. The German government proposed a mandatory due diligence law covering companies based in the country after a survey found that 78% of German-based companies were not implementing the Guidelines (BHRRC 2021).¹²⁷ As described by the German Federal Ministry of Labour and Social Affairs, the law would require companies with a least 3,000 employees and administrative headquarters or a registered office in Germany to analyze

risks of human rights violations in their supply chains, take preventive and remedial actions, establish a manager responsible for the due diligence activities, establish a complaint mechanism for persons to report risks and violations, and report annually to the German government on how they are fulfilling their obligations. It establishes fines up to 2% of annual revenue or €400 million (\$484 million) and excludes companies from public procurement in cases of violations (DW 2021). Unions, human rights advocates, and some companies have welcomed the law and called on German lawmakers to strengthen its civil liability provisions and protect persons seeking remedy for violations,¹²⁸ add requirements for consultations with unions, extend its scope to include smaller companies, and extend responsibilities to indirect as well as direct suppliers (BHRRC 2021; IndustriAll 2021; HRW 2021). Corporate accountability advocates welcome mandatory human rights due diligence measures as the adoption of the voluntary Guidelines and United Nations Guiding Principles in 2011 led did not change MNC involvement in rights violations.

However, even as German institutions regulating labor relations, competition, and supply chain relations limit the power of any given food retailer, they change, like all institutions. Even as the German government seeks to enhance competition and supply chain regulations in recent years, the potency of codetermination as the central principle of labor relations appears to have eroded. Declines in employer cooperation with codetermination point in part to their competition with the likes of Walmart in internationally integrated markets, and to limited success by labor to sustain its bargaining power.

The associational power among unions in Germany in particular helps to explain why the country's food retail sector is "paying 'rock-bottom wages'" (Jaehrling & Méhaut 2013). Under the German labor relations system, codetermination laws require worker representation on boards of directors and in works councils for shop-floor issues, and sectoral collective bargaining norms

have historically meant the extension of agreements negotiated by unions and industry associations to most companies in an industry. However, since the 1990s more companies have diverged from sectoral agreements, by negotiating with works councils, taking advantage of unions' lack of legal control over works councils and declining membership (Pulignano, Meardi, & Doerflinger 2015).¹²⁹ While retailers previously agreed to consider sectoral collective agreements as binding, since around 2000 they have vetoed such extensions (Voss-Dahm 2008, cited in Jaehrling & Méhaut 2013). To avoid negotiating with labor over terms and conditions of employment, retail managers have turned increasingly to "mini-jobs," a contracting modality used in the mid-2010s for nearly 90% of workers in the sector (Jaehrling & Méhaut 2013). Germany created part-time, short-hours contracts known as "mini-jobs" in the 1960s to attract more women into an economy with high labor demand, based on the assumption that women workers could be paid less because they were considered dependents of higher-earning husbands and inherently wanted to work less because of socially-imposed caregiving duties (*Ibid*). Since the early 2000s, retailers in particular have used them to pay mini-job workers lower payrates than permanent workers and to deny sick and holiday leaves, in violation of laws, a practice enabled by lack of enforcement (*Ibid*). The workaround involves employers discounting payroll taxes and social-security contributions from rates paid to mini-job workers (*Ibid*). While established as a national contracting modality, works councils agreed to the use of mini-jobs by retailers at least in part to protect conditions of permanent workers by "sacrificing the 'peripheral'" part-time workers (Carré & Tilly 2017: 145). Part of the explanation of such a dualization strategy is weakness in works councils in the retail sector, where workers' right to elect representatives to the councils is often not realized and union membership is lower than other sectors and declining economy-wide (Jaehrling & Méhaut 2013;

Pulignano et al. 2015). German union density declined from more than 25% in the late 1990s to less than 17% by the mid-2010s (OECD 2021).

The less-bad rather than clearly better conditions employment in food retail in Germany compared to the United States indicate the fundamental importance of associational power. Workers in retail in Germany still maintain substantially more associational power than in the United States; however, while half of retail workers are covered by collective bargaining agreements in Germany, coverage fell twelve points in the first two decades of the century (Carré & Tilly 2017: 141). Companies increasingly opted out of sectoral agreements and increased use of ‘mini-jobs’. The dynamic is a reminder that even longstanding institutions such as Germany’s labor relations system are socially developed and thus subject to change. In particular, co-determination always depended on cooperation by unions and companies. If international competition has motivated German companies such as Lidl and Aldi to turn to mini-jobs and avoid collective bargaining with workers, institutional fetishism by unions has facilitated such an exit strategy. The power of laws and norms requiring companies to recognize workers’ capacity to participate in work rules is not self-derived but based in workers’ associational power. Declining levels of union membership and collective bargaining coverage in Germany’s retail sector signal to companies in the it that labor lacks the capacity to compel their participation in the co-determination mechanisms of sectoral agreements and works councils.

Chapter 6: Comparing Labor Regimes in the Strawberry Sector

Studying cases of production and sales in the strawberry sector through international commodity network analysis and labor processes of contestation against a dignity-based model of power building has identified patterns across the cases. The organization of the sector as an international network has been led by consolidated food retailers, secondarily by marketing companies, and implies the direction of capital accumulated in the network away from production and separation of workers in production and sales. National states have contributed access to natural resources and markets, surplus labor markets, and regulatory approaches enhancing employer's flexibility over employment practices and competition with other companies, strengthening management capacity to set terms and conditions of employment. The social constructs of race and gender have been mobilized as co-constitutive processes of the expanding the sector, reinforcing managerial control over labor and challenging workers to deconstruct imposed subjectivities. Amidst these forces expanding the sector, workers' collective action has advanced to varied stages similar demands for collective bargaining, higher wages, equitable treatment, and access to social security programs. Juxtaposing their activities against the model of bargaining power introduced in chapter one (Figure 1) indicated that human dignity, as a process of recognizing each other's capacity to participate in the rules to which each is subjected, was determinant of their progress. The prior chapters analyzed three cases of employment relations in production and two in sales, one of them as shadow case, by applying ICN analysis and the power-building model. This chapter compares the cases of labor-management contestation in the US state of Washington, the Mexican municipality of San Quintín, the Spanish province of Huelva, and the primary destinations of the US and German retail.

The next section of this chapter considers management's bargaining power by applying ICN analysis. The section aims to bring into conversation the studies of commodity circuits and bargaining power to methodologically advance understanding of the operations of power within the processes that bring commodities from production to consumption. Through comparisons of the patterns of practice by management and national states in the strawberry sector cases studied, this section maps the forms power used to expand the sector and the channels through which they effect employment relations. One of the patterns is the concentration of capital in certain stages of the strawberry commodity circuits, and the dispersion of production and sales across multiple locations. The evident pattern of political power involves national state actions to create surplus labor markets, to support concentration of market power, and to orient regulation towards sustaining low labor costs – interventions that have underpinned economic growth of the sector. Intertwined with the operations of economic and political, the pattern of social power involves the application and reconstitution of social hierarchies, prominently of racialism and patriarchy. These forms of power have strengthened management's bargaining power relative to labor by increasing managerial capacity to withstand disruptions of production and sales, replace workers, and externalize costs of reproducing labor power.

The subsequent section of this chapter considers labor's bargaining power by applying the processual model of power building by workers seeking to shift from precarious towards decent work, which was presented in the first chapter and applied to each specific case in the subsequent chapters. Application of the model aims to extend power resource theory by exploring the mechanism through which associational power, especially its solidarity component, is created. In this section, the model is used to analyze the patterns of practice by workers in the cases of production in Washington, San Quintín, and Huelva and food retail in the United States and

Germany. The evident patterns include labor's confrontation of precarious terms and conditions of employment, collective actions, demands for recognition of workers' human dignity, changes in employment relations, and impediments to achieving labor's goals. The central finding is that when workers proceed through a process of dignity recognition with each other, they build associational power that facilitates collective action, coalition building, and establishment of institutional power. In contrast, when the workers fall short in recognizing each other's dignity and when potential allies fail to recognize workers' capacity to participate in the rules to which they are subjected, employers and national states are better able to dismiss workers' demands.

Sources and Uses of Managerial Bargaining Power in the Strawberry Sector

As introduced in the first chapter, ICN analysis is the study of commodity circuits for capital accumulation as processes created and recreated through labor, management, and national state uses of economic, political, and social forms of power. The approach merges labor relations concepts of bargaining power and the study of the organization of commodity circuits. The study of commodity circuits, a method for understanding the international political economy variously known as global commodity chains, global value networks, and global supply chains, informs labor studies that the 'hidden abode' of production is embedded in a wider set of social relations. The linkages between stages from production to consumption are sites of value creation (Marx 1867); therefore, studying them offers insights into the power inequities that are empirically evident (Arghiri 1972; Hopkins & Wallerstein 1977). Efforts to explicate the exchanges has drawn on institutional economics to emphasize the 'make-or-buy' decisions that result in participating companies' boundaries and describe various forms of exchange management, or governance,

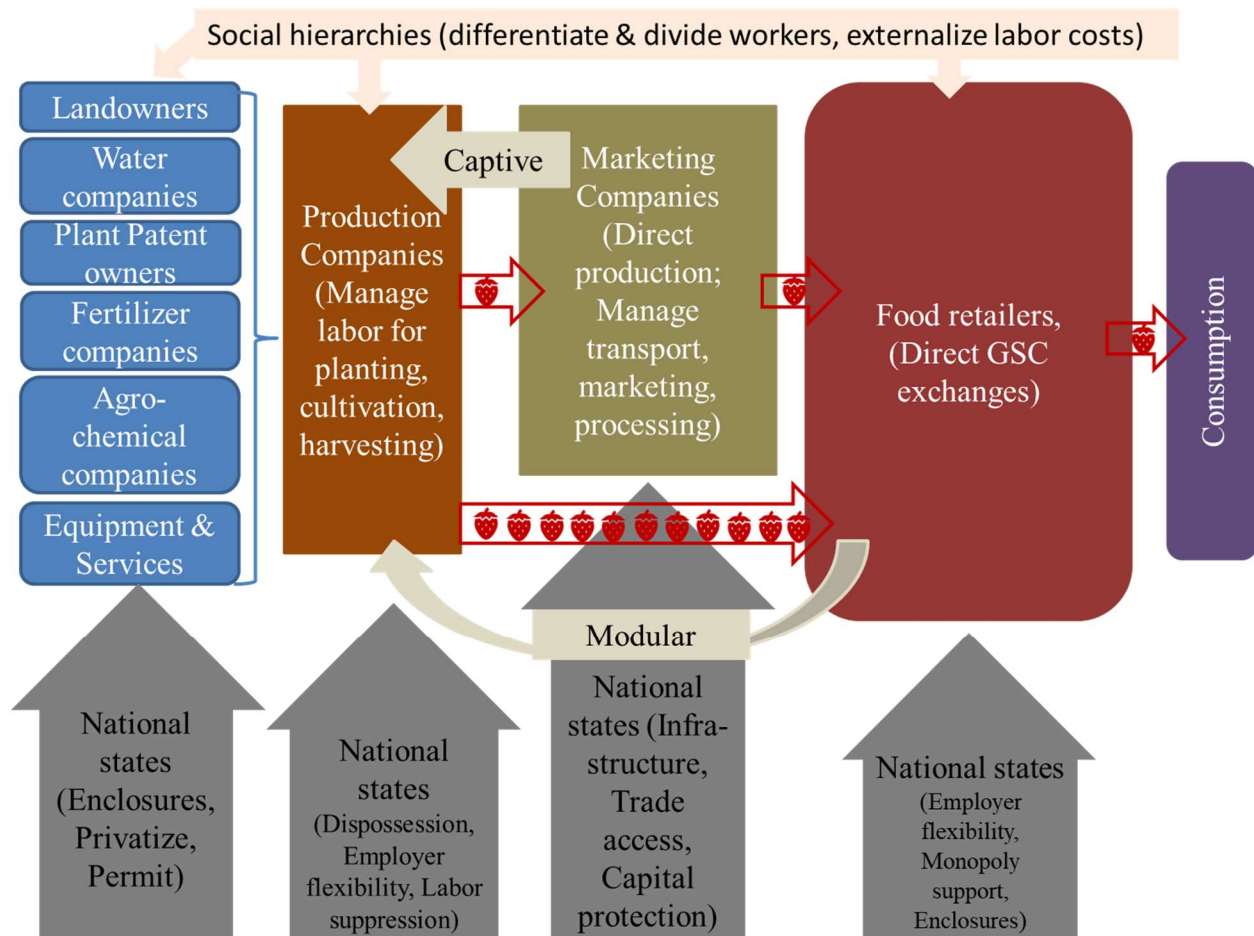
practiced according to the capacity of each company to influence others (Porter 1987; Gereffi 1994). Based on their share of the market, companies operate to reduce costs and increase profit margins by setting terms of exchange with sellers who are dependent on them. As much as economic studies of commodity flows illuminates, the approach does not address the processes that provide companies their ability to set the terms of exchange with other companies and with labor. These are questions of combined economic, political, and social power (Dicken et al. 2001). ICN analysis attempts to take up the persistent challenge of accounting for both the forms of power available to actors and how they are used (Bair 2005). It does so by considering the actions by state, management, and labor actors through the framework of bargaining power.

Bargaining power analysis offers a series of concepts to systematically identify and explain the channels through which various forms of power observed in commodity circuits shape terms and conditions of employment. To recall, associational power refers to a group's capacity to act in unison (Wright 2000; Katz et al. 2017). Structural power manifests in labor markets, where the indicator is the price elasticity of employer demand for labor, i.e. the looseness or tightness of the labor market, and the workplaces, where the indicator is vulnerabilities of production, sales, and profits to disruption, i.e. labor's ability to disrupt and management's ability to withstand disruption (*Ibid; Ibid; Silver 2003*). Assertions of associational and structural power change terms and conditions of employment, changes that labor and management seek to institutionalize through binding agreements between each other, e.g. employer-based institutional power, or through regulations enforceable by national state actors (Gumbrell McCormick & Hyman 2013). Given the dynamism in relations between labor, management, and national state actors, they often find associational and structural power to be inadequate to achieve their goals, and seek other power resources. One is coalitional power, the participation of actors without immediate interests in the

outcome (Brookes 2013, 2019). Another is symbolic power, the use of contextually legible symbols to persuade others of the illegitimacy of a current relational dynamic between labor, management, and national state actors and of an alternative, and of a legitimate alternative (Bourdieu 1991, 2000; Chun 2009).

ICN analysis of bargaining power in the strawberry sector illuminates how economic, political, and social forms of power are used to create and continue profitability by analyzing observed activities within the analytical framework of bargaining power. The simplified model of strawberry ICNs presented in Figure 6 shows the management and national state operations that create and recreate the profitable strawberry sector.

Figure 6: A simplified strawberry international commodity network



The combination of three ongoing processes have established and sustained management's bargaining power in the form of price elastic demand for labor and the capacity to withstand disruptions from strikes, boycotts, and protestations of corporate behavior through judicial systems. First, the lead firms, in the case of strawberry food retailers and marketing companies, and their suppliers are the focus of most studies of commodity circuits. Analysis of their relations illuminates the organization of capital flows according to the market power of buyers over sellers. This identifies the forms of firm-to-firm regulation of exchanges, such as modular relations between retailers and suppliers and captive relations between marketing companies and suppliers, and the distribution of value in the strawberry sector. However, it leaves unaddressed the processes that produced the power of each firm over its supplier of product or labor power. Second, national state policies and the mobilization of social hierarchies co-constitute and reproduce surplus labor markets that depress labor costs to maintain production companies' competitiveness. Third, national state actors provide exceptionally supportive treatment to companies involved in production, marketing, and sale of strawberries. In the figure, these political and social forces are displayed as gray arrows on the bottom and pale arrows on top, respectively. In other words, the strawberry sector is organized to extract value from the work of labor and land, direct the capital towards retail companies that dominate the commodity-circuit exchanges, sustain participation of production managers by affording them unilateral discretion, and avoid pressure by differentiating labor with reified subjectivities. Each process is discussed through comparisons of the cases presented in the preceding chapters.

Market power concentration and the organization of capital flows in strawberry ICNs

The distribution of value throughout strawberry ICNs enables extraction of value from production, particularly harvest workers. The period, from the late 1980s to-date, during which strawberry became an internationally traded commodity is importantly also characterized by incorporation of food production and distribution into vertically coordinated networks (Corrado et al. 2016). Lead companies assert control over the exchanges through contracts (Echánove 2001; Russi 2013). Retailers have gained the most control not only over the sale but the production, marketing, and transportation processes (Burch & Lawrence 2007). Concentration in inputs further constrains the total capital over which production workers might bargain with their employers. For bargaining power, the retail-led food ICNs implies direction of capital away from production where labor is concentrated and the legal insulation of lead companies from duties to labor whose employment terms they influence.

Strawberry ICNs continue to be organized with two sets of lead firms, although retailers maintain the most control. Retailer control derives from their market power. Concentration of market power in retail characterizes the primary sales markets where most of the strawberries produced in the case studies are sold. In both sales markets considered in this study, market share is concentrated among a handful of food retailers, and an even smaller number of retailers are setting the terms of exchange in strawberry and other food ICNs. With three times the revenue of the next largest retailer and control of one-third of US food sales (Deloitte 2021; Walmart 2021; Fernandez 2020), Walmart sets the food retail patterns of managerial practice. In Germany, Aldi and Lidl lead food retail, and adapted practices towards more contingent employment modalities after Walmart challenged their competitiveness. Given these lead retailers' market share,

production and marketing companies in North America and Europe necessarily sell to them and accept their terms of exchange.

The Walmart business model of steady sales of high volumes at low prices has become the retail business model and shaped the strawberry sector. Volumes demanded have driven consolidation. The retailer reduces transaction costs by purchasing from fewer, larger strawberry suppliers via forward contracts, processes observed since the late 1990s (Mohapatra et al. 2010). Yet consolidation is limited in production, where the impediments to profit make for risky investment of large amounts of capital (Mann & Dickinson 1978; Mann 1990). Instead, consolidation has occurred primarily in the marketing companies, which assert control over the production process through contracts with production companies. Such consolidation is evident in Spain's strawberry sector, where the two cooperatives market approximately one-third of the country's strawberries, produced by hundreds of production companies. The business-model leader in the strawberry sector, however, is Driscoll's. As typical in contract agribusiness (Echánove, 2001), Driscoll's insulates itself from the natural and labour risks of production by outsourcing, ensures continual volume by purchasing different locations - hundreds of suppliers in 21 countries, and asserts control over the production process by maintaining market share in strawberry plant patents (28%) and berry sales – one-third of all berries and 60% of strawberries sold in the United States (Dune 2015; Goodyear 2017; USPTO 2020). Such market share enables Driscoll's to set terms with contracted suppliers. In the case of Mexico, the suppliers are owned or sub-suppliers to BerryMex, a subsidiary of Reiter Affiliated Companies (RAC, whose owners also own Driscoll's), and are required to plant Driscoll's patented plants according to its specifications. With its market share, Driscoll's is also able to influence employment relations, as in the case of pressuring Sakuma Brothers to accept a union election to avoid losing brand value at a moment of

investment in new advertising. Another example is the marketer requiring suppliers in Mexico to obtain Fair Trade USA certification. As production managers in Mexico explained, companies contract with Driscoll's for lack of capital to invest in plant research and development, transportation, and marketing. Yet even Driscoll's is a price taker from oligopolistic retailers, as evinced in the case of Sakuma Brothers. Since raising labor costs through collective bargaining with FUJ, the former strawberry supplier to Driscoll's shifted sales of the fruit away from the fresh market dominated by the lead marketing firm towards the processing market, unable to compete with the lower labor costs of suppliers in Mexico. That is, the marketer was not in a position to pass on a higher product price from the supplier to the retailer, which could simply substitute with product from a lower labor cost supply.

Concentration on the input side of production also affects capital flows in strawberry ICNs. Concentration of land is evident in Spain, where most production companies lease from landowners. In the United States, Sakuma Brothers is increasingly an outlier for owning its land, given that US census data and production manager accounts suggest "that most strawberry land is leased" in the country (Guthman 2019: 113). The privatization of water in Mexico contributed both to worker organizing, particularly during the 1990s, and to further consolidation of production companies. For example, small companies in San Quintín that supply Berrymex, like Munguía, purchase irrigation services from the RAC subsidiary. Given the need to change strawberry plants regularly, at least every eight years according to an interviewed manager, obtaining appropriate cultivars is critical to production. For example, a medium-sized company in San Quintín uses only "short-day" varieties, which produce quickly, in order to sell before US production begins and prices drop. To purchase plants, companies rely on the strawberry plant patent owners, ten of which own 70% of the patents; among them, Driscoll's owns 28% (USPTO 2020). Sources for fumigants,

fertilizers, and pesticides are also limited. For example, the fumigant Telone is primarily manufactured by Corteva, fertilizers dominated by Yaffa and CQM, and common fungicide Carbendazim and pesticide Bifenthrin by the largest companies in the international chemical industry.¹³⁰ Even irrigation equipment is an input dominated by a couple multinational companies, according to managers interviewed.

The typology of firm-to-firm governance of exchanges in commodity circuits developed by Gereffi, Humphrey, and Sturgeon (2005) is thus applicable to the strawberry sector. A modular form of governance is used by retailers and processing companies with supplying production companies, which comply with the buyer standards and otherwise are responsible for production. Exemplary is San Vicente Camalú, which obtained GlobalGAP and Fair Trade USA certifications in order for its own marketing company ExpoFresh to sell to retailers Walmart and Costco. Captive governance better describes the exchanges between production and marketing companies, as in the cases of BerryMex product marketed by Driscoll's and most production in Huelva marketed by Freshuelva. Between input suppliers and production companies, exchanges are transactional. While clarifying the firm governance relations, the concepts of total bargaining power, or total resources over which management and labor might negotiate, and workplace structural power help to interpret them as mechanisms shifting power in employment relations of the sector.

First, the organization of capital in strawberry ICNs limits the amount of the capital accumulated in the ICN that flows through the companies employing workers to harvest and tend to the crops. As indication of the direction of capital flows, typical wage rates as a percentage of strawberry retail prices ranged from 3.9% for workers in San Quintín harvesting berries sold in the United States, 7.8% for workers in Washington, and 15.8% for workers in Huelva picking berries sold in Germany in 2020.¹³¹ Notably, the low price at German retailers partially accounts for the

higher approximate worker share, which may also reflect less of a squeeze by retailers on suppliers than in the Walmart-dominated US market, and sectoral bargaining establishing a minimum wage, keeping in mind it is below the national minimum wage and widely reported to be systematically violated. The share going to workers at unionized Sakuma Brothers may in fact be higher given the likelihood that the company receives lower prices per pound of strawberries sold to processors; however, as an estimate it underscores the challenge for FUJ to raise wages through collective bargaining with a single company in the sector. In the case of San Quintín, accounts by interviewed production managers indicate that a total of 43.5%, including the 3.9% for wages, goes to the production company. Furthermore, in the cases of Driscoll's marketing the berries, the marketer retains 10.9%, meaning 45.6% to 56.5% goes to US food retailers, depending on whether they buy directly or through a marketing company. While approximations, the shares indicate flows of capital reflecting the distribution of power between companies in the strawberry sector. Furthermore, concentration in input markets means that production companies are price takers; as an interviewed production manager explained, the "consolidated suppliers..." translates into "increasingly higher costs." The effect is that capital is largely insulated from where labor has the ability to halt the commodity circuit by striking during strawberry harvests.

In addition to limiting the amount of capital available to negotiate with management, the organization of the strawberry sector as a network blunts labor's structural power in production. The limited outcomes of tens of thousands of workers shutting down production during San Quintín's harvest partly reflects the ability of the sector to shift. Retailers and marketers, with no direct employment duties, left the resolution of the strike to suppliers and the national state, and sustained the business of strawberry sales by increasing supplies from other production locations, in their case to production facilities in the states of Michoacán, Mexico and California, USA. In

Huelva, Fredesloc pioneered the contracting-in-origin program after experiencing the advantages of lower-cost wage rates when it relocated some production to Morocco. Walmart demonstrated capacity to insulate itself from labor when it shut down departments and stores where workers unionized, gained collective bargaining rights, or engaged in collective action, a tactic facilitated by the retailer's 11,500 stores.

The network organization of the sector also has increased the potency of symbolic power resources (Anner et al. 2021). In Washington, FUJ demonstrated the use of symbolic power to pressure employers via the buyer's investment in its brand. Workers broadened their boycott to Driscoll's not because it depended on Sakuma Brothers for product – in subsequent years Sakuma Brothers has sold all its strawberries to processors – but because of the vulnerability of Driscoll's to the use of symbolic power. By publicly tarnishing the Driscoll's brand as anti-union, particularly at a moment when the company was investing in a new marketing campaign, FUJ persuaded the berry marketer to encourage Sakuma Brothers to accept unionization in order to preserve its social legitimacy.

Furthermore, the network organization of the strawberry sector works against labor solidarity, that necessary component of associational power, along with organization. Two types of strategic firm networking include organizational fissuring and geographic dispersion (Anner et al. 2021). While organizational fissuring refers to avoidance of employer duties through outsourcing and subcontracting, geographic dispersion refers to multiplication of facilities and their location in jurisdictions minimizing labor costs and pressure. In strawberry ICNs, Walmart demonstrates strategic organizational networking. Within the same country, collective actions by workers at warehouses and stores of Walmart remained separated events, in part due to the use of subcontractors in warehousing and US laws restricting secondary boycotts, resulting in loss of

labor's capacity to advance both sets of workers' demands by disrupting the logistics on which the company relies. A counterpoint is the case of workers at Walmart in Chile, who made gains by coordinating between those at warehouses and stores (Bank Muñoz 2017). Walmart's expansion also demonstrates geographic dispersion, evinced by its demonstrated ability to close departments and stores to avoid collective bargaining and maintain sufficient revenue from many other locations. The organization of production also demonstrates organizational and geographic dispersion. Driscoll's strategy to manage plant research and development, marketing, and contracting out production separates it from employment duties. Geographic dispersion was displayed by the expansion of production for North American sales from the United States to Mexico following national states' removal of tariffs on strawberries under NAFTA, and subsequent capacity to relocate production during the 2015 strike in San Quintín.

The cases studied demonstrate the implications of network firm organization for bargaining power. Production workers at Sakuma Brothers developed robust coalitional power that, among other activities, strengthened its assertion of structural power in the form of a boycott. In particular, the workers developed relationships with local unions, which offered key support including refusing to load berries for transport, leading boycotts, and gathering information on Sakuma Brothers and Driscoll's. In contrast, workers in San Quintín considered a boycott but were legally blocked from crossing the border to meet with the US-based communities who could help implement it, and workers in Huelva are multiple countries away from potential allies in Germany, where the contracting-in-origin workers are legally blocked from traveling, and the fruits of their labor are sold. FUJ's successful development of coalitional power partly reflects the production workers location in the final sales market.

Analysis of the organization of capital indicates the distribution of value in ICNs and certain influences on bargaining power; however, it does not explain how companies gained the power to operate as observed in the network. Why do retailers have the power to direct production? Why can production companies squeezed by buyers sustain profitability? Central to ICN analysis is considering the sources of power underpinning the management of capital flows in the network. Two fundamental sources in strawberry ICNs are the creation of a surplus labor market and co-constitutive process of mobilizing social hierarchies and the exceptional treatment of companies by national states.

Surplus and Differentiated Labor Market Creation and Mobilization of Social Hierarchies

The creation of surplus and differentiated labor markets made strawberry ICNs, a process that relied on both political and social forces. The inverse of what Beverly Silver (2003: 13) terms labor's marketplace bargaining power, position in a tight labor market, is management's elastic demand for labor, when capital will be diverted from employing labor if the wage bill is increased (Katz et al. 2017: 91-97). As the previous section illustrated, input and output exchanges are relatively price elastic from the position of production companies in strawberry ICNs. Furthermore, labor costs represent a high portion of total costs of strawberry production, 60% by one estimate,¹³² concentrated during harvests that remain entirely manual.¹³³ Similarly, labor costs are a large share of total operating costs in retail, 70% by one estimate (Lichtenstein 2008). Business competitiveness in the strawberry sector, then, turns significantly on management capacity to control labor costs. The ability to replace workers has been determinant of

competitiveness in the sector, and is a condition established through political decisions mediated by the operations of racialism and patriarchy.

Strawberry production has relied on the linked processes of displacement, proletarianization, and differentiation to provide management elevated rates of relative surplus value extraction by paying wages below local subsistence costs. In San Quintín and at Sakuma Brothers in Washington, at least 80% of strawberries are harvested by displaced indigenous peasants or their children and now grandchildren. Their displacement from primarily indigenous communities in southern Mexico was achieved through the national state's expansion of capitalist property rights and prioritization of exports. The Mexican state privatized land and water, redirected subsidies from small producers to export agribusinesses, and agreed with the United States to remove trade barriers to US-subsidized corn and to adopt its intellectual property rights (IPR) regime (Velasco, Coubé, & Zlolski 2014; Zlolski 2019; Interviews).¹³⁴ The policies foreclosed peasant livelihoods, indicated by the 58% drop in non-remunerated work in agriculture (Weisbrot et al. 2014: 13) and pit the new wage-dependent workers in competition with each other, as export agriculture only offered seasonal wage labor for some of the displaced people (Lara Flores 2005). Indicating the surplus labor market, workers' purchasing power deteriorated, to six minimum wages to cover the cost of a basic food basket in Mexico by 2015 (CAM 2015). In Spain, berry pickers from Morocco seek work in their European neighbor after similar compulsion into waged labor. In the 1980s and 1990s, the Moroccan state implemented reforms similar to Mexico's (both under IMF-led structural adjustment programs) that stimulated export growth without commensurate employment growth, creating a surplus of wage-dependent workers, indicated in Morocco by the country's high national unemployment and higher informal employment rates.

Much like other compulsions of people into waged labor, the processes leading workers to employment as strawberry harvesters have invoked and recreated social hierarchies. In Mexico, agribusiness employers with European heritage began recruiting workers from indigenous communities, particularly Mixteco communities of Oaxaca and Guerrero, in mid-20th Century, a labor recruitment pattern intensified in the formation of the strawberry sector in San Quintín. By the 1990s, employer, national state, and media discourses conflated the social and class identities, interchangeably referring to “indigenous,” “agricultural workers,” and “day laborers,” and attributed docility and industriousness to the workers identified with these labels (Novo 2004). Gendered divisions of labor have multiplied constraints for women, who remain limited to the lesser remunerated positions at nearly all companies in San Quintín’s strawberry sector. For indigenous women, the hierarchized subjectivities intersect, with employers preferring women with European heritage for packhouses for their perceived “hygiene,” and, in harvest work, access to fruit checker positions conditioned on gaining male supervisor’s sexualized attention. Across the border in Washington State, a racialized and gendered hierarchical division of labor characterized the strawberry harvests at Sakuma Brothers (Holmes 2013) prior to the 2013 strike and subsequent unionization. Workers selected their union president in part because of his resistance to supervisors’ degrading treatment of women. The workers’ collective action led the company to cease employment of white, local teenagers supervising the indigenous, immigrant fruit pickers, and subsequent collective bargaining established the rights of workers to hold supervisors accountable for discriminatory and abusive treatment. For Spain’s strawberry harvest, the contracting-in-origin program has functioned like a social hierarchy kiln, hardening an idealized type of worker as the docile mother from rural Morocco automatically productive due to assumed caregiving obligations. Meanwhile, austerity-oriented reductions in unemployment

insurance and severance heightened dependence on wages for workers with legal status to reside and work in Spain, pitting more workers into competition for available work.

In all three production contexts, use of migrant labor has served cost reduction functions by facilitating separation between remuneration and local socially necessary wages and by further differentiating workers, mechanisms evident in operation and contestation. At Sakuma Brothers, the strike and subsequent unionization process occurred as US border control intensified, leading workers to reside year-round in surrounding towns and reducing management's capacity to externalize costs of labor reproduction to communities in Mexico. The first response of management to the strike was to seek to replace workers with immigrant labor under the US H-2A visa program, which the striking workers blocked by collectively submitting attestations of their availability and willingness to work to the US Department of Labor. Once workers unionized and negotiated a union contract, the company shifted strawberry sales entirely to processors, as a manager explained, unable to compete with the prices offered by lower-labor-cost production in Mexico. As of 2020, workers harvesting strawberries received \$15-\$18 per hour at Sakuma, versus \$18-\$28 per day at companies in San Quintín. The roots of workers' mass strike in San Quintín also extend to their transition from migrant to residential workers. By the time of the 2015 strike, very few workers in strawberry harvests migrated to San Quintin and back to southern Mexico in the offseason. The low wage rates and rising costs of basic goods in the years leading up to the strike propelled at least some workers to strike, because their ability to renew their labor power was no longer subsidized by subsistence agriculture in their, or increasingly their parents' or grandparents' home communities. Spain's contracting-in-origin program has prevented the alignment of labor costs with local living costs. High unemployment proved insufficient for employers' need to control labor costs in order to compete as price takers in European ICNs, so

the national states of Spain and Morocco arranged the program. It allows employers to restrict workers' mobility to keep them working during the harvest, and to pay less than the minimum wage, attractive remuneration to workers from Morocco who are paid several times less in their home communities.

Whereas racialized and gendered enclosures and proletarianization produced surplus labor supplies for production, at the sales end of strawberry ICNs, state policies of austerity and derogation have operated as social enclosures, performing the disciplinary function of “render[ing] labour more dependent upon, and less able to challenge, the interests of individual capitalists” (Umney, Greer, Onaran 2018).¹³⁵ Walmart began by recruiting women at a juncture of sharp restrictions on their employment prospects in its home region of the Ozarks in the 1960s and by exploiting a loophole in national law to pay below minimum wage. At a subsequent moment, the company expanded in part due to another influx of socially marginalized workers. National work-to-welfare reforms drove single mothers with minimal formal education into the wage-labor market, expanding the supply for low-wage employers like Walmart, whose valuation skyrocketed in response (Reich & Bearman 2018: 70). Furthermore, in US retail real wages and hours declined over Walmart's history, facilitating its ability to replace the approximately 600,000 workers turned over each year because workers have few better options. In this sense, US government austerity provided low-wage employers with a supply of replaceable workers. In Germany, derogation serves food retails as well. The German government created “mini-jobs,” essentially part-time and short-hours contracts, in the 1960s. Retailers faced the industry's competition based on low cost and high volume, and increased use of mini-jobs to 90% of all employees by the mid-2010s (Jaehrling & Méhaut 2013). Management preference for mini-jobs is intensified by the government's lack of enforcement, which allows employers to pay mini-jobbers lower rates than

permanent workers and to deny sick and holiday leaves, all legal violations (*Ibid*). While in Germany codetermination provides the possibility of worker voice, declining overall union density and low levels in retail have contributed to retailers ignoring sectoral agreements and works councils (Carré & Tilly 2017: 141; Pulignano, Meardi & Doerflinger 2015).

Food retailers in both strawberry destinations have used and contributed to the reification of the socially constructed subordination of women as part of their labor control practices. Walmart infamously transposed the male-female hierarchy developed in its home in the Ozarks to its management-labor chain of command (Moreton 2010). The company's mobilization of a gendered hierarchy manifest in discrimination against women in pay, promotions, assignments, and training, as documented in *Walmart Inc. vs. Dukes (2011)*. Its gendered differentiation of workers meant higher margins, contributing resources for its dual predatory pricing and store expansion strategy for capturing market share. In Germany, the mini-job institution rested on subordination of women. The logic for creating the contract modality was that women sought part-time work due to their caregiving duties and did not need benefits because they would be cared for by husbands (Jaehrling & Méhaut 2013). When retailers turned to mini-jobs to compete in an industry whose competition standard was Walmart, they also specifically recruited women and youth workers due to their under-representation in unions (Carré & Tilly 2017:121).

The creation of labor markets oversupplied with differentiated and replaceable workers has contributed to management's bargaining power in the strawberry sector. The fundamental function of replaceable labor is to insulate management from strikes and wage demands by enabling the discharge of perceived organizers or demanders, an ability that militates against workers attempting such actions. It serves different strategic needs in production and sales. For production companies, replaceable labor contributes to their capacity to maintain profit margins squeezed by

the price-setting input suppliers, marketers, and retailers in their ICN. For the sector's growth, production managers' ability to control and reduce the costs of labor supports their supply of strawberries at the prices and characteristics demanded by buyers. For food retailers, surplus supplies of labor fueled Walmart's two-step model of extraction from labor and suppliers and investment of the extracted value in low prices and expansion to capture market share. Even if surpluses continue, they are alone not enough to fully commodify labor, evinced by the 2015 strike in San Quintín. National states help to renew managerial labor control through their approach to regulation in the strawberry sector.

State of exceptionalism in law and practice

National state regulatory praxis in the strawberry sector is characterized by support for managerial discretion and suppression of labor collective action. The pattern is evident in all three cases of production and two cases of retail sales.

In strawberry production at Sakuma Brothers in Washington, the mobilization of labor law exemptions and immigration laws by management failed only due to workers' assertions of associational and coalitional power. The NLRA exemption for agriculture means the workers had no federal support for collective bargaining. Driscoll's weaponized the exemption against workers' demand for union representation by denying their collective bargaining rights, either unaware or dismissive of Washington State protection of concerted activity under its Little Norris LaGuardia Act (LNLA). With an effective legal team, the workers asserted their rights under the Act, leading to their union election supervised by an arbitrator. While resulting favorable to workers, the process highlighted the discretion to dismiss workers' collective bargaining demands granted to agribusiness management by the federal government, unless workers mobilize effective legal

strategy in states offering collective bargaining rights protections, like California's Agriculture Labor Relations Act and the nineteen states with LNLAs. At least as important to managerial discretion is the threat of deportation provided them by federal immigration law. Although US agribusiness relies on undocumented immigrants for more than half of its workforce, the legal status suppresses attempts to assert legal rights. Thus, when workers struck at Sakuma in 2013, management pursued criminal charges against the workers' elected leader, that would have led to his deportation without intervention by the workers' coalition, and sought H-2A visas that would have led to the replacement of the strikers but for their collective pressure on the Labor Department to against approval of the visas.

In San Quintín, Mexico, labor repression and under-enforcement of labor and social security laws functioned as indirect subsidies driving the strawberry sector's growth. National police forcefully suppressed the 2015 strike, using riot tactics against workers, jailing dozens, and raiding communities with armored vehicles (SEGOB 2017). The government has permitted agribusinesses to avoid paying full benefits owed to workers under national laws by initially exempting the industry, then defining most field workers as temporary and excluded, and to-date under-enforcing compliance (Velasco et al. 2014). While national laws establish workers' rights, in key export production areas like San Quintín, workers reported no government presence to enforce them. Furthermore, employers have used protection contracts, agreements between management-selected union entities and employers with government support, to avoid collective bargaining since the late 1980s.

In Huelva, Spain, exit options legislated into labor law and under-enforcement of laws combine to provide strawberry production managers flexibility in their employment practices. The "Special Agricultural Regimen" facilitates underpayment into the social security system, saving

management costs by reducing workers' benefits. The requirement that union delegates be employed for more than six months limits union participation by workers in seasonal sectors like strawberry. Under-enforcement is at least as determinant and extends beyond labor law. Widely reported lack of labor inspections facilitates payment below the minimum rates established in national law and the sectoral agreement, use of illegal quotas to intensify productivity, and non-fulfillment of duties to ensure contracted-in-origin workers hygienic accommodations and access to medical care. In the realm of criminal laws, the persistence of high-profile sexual assault cases involving multiple victims and perpetrators indicates impunity with ripple effects. Inability or unwillingness of the national state to protect women from gender-based violence makes them vulnerable to such abuse and suppresses worker efforts to demand respect of their rights from institutions evidently not protecting them.

In food retail, Walmart has dominated sales for decades, a position it gained and sustained by using the US labor relations system. While in principle, the US labor relations regime protects freedom of association, legislated and adjudicated discretion afforded to employers, minimal enforcement of laws, and constraints on labor curtail collective bargaining. No company has used the regime to its advantage more than Walmart. The company learned the advantages of the system when it illegally fired union supporters during the first unionization drives it faced and merely had to rehire the workers and post a notice that it would not do it again. The US system's non-deterrence of illegal actions paved the way for serial violations by Walmart. Despite NLRA language prohibiting interference, the NLRB decisions empowering employers to effectively threaten workers against unionization opened the door for Walmart's union resistance strategy, infamously articulated in its manual "A Manager's Toolbox to Remaining Union-Free".¹³⁶ The prohibition of so-called secondary boycotts under the Taft-Hartley reforms of the NLRA prevented

port and other logistics workers from using their position of control over the calculated movement of products on which Walmart depends, even prior to fissuring of employment relations that muddled efforts to organize in warehouses serving the company in the 2000s. Furthermore, the US shift in anti-trust policy since the 1980s made possible Walmart's capture of market share at levels previously disallowed for previous retail leaders like The Great Atlantic & Pacific Tea Company (A&P) (Lynn 2006). Use of the discretion granted under US labor and competition policies enabled Walmart to expand at an unprecedented pace in the 1980s, enter food retail with 30% lower labor costs than unionized competitors, and capture enough of sales markets to direct suppliers and their labor processes.

While the German labor relations system presents more mechanisms for workers to collectively negotiate with employers, the labor-cost competition established in retail by Walmart has driven them towards disfunction in the sector. In the wake of Walmart leaving to avoid participation in Germany's labor relations system, its model of collective-bargaining avoidance proliferated in Germany's food retail sector. Retailers accelerated use of the part-time, short-hours mini-jobs, and national state under-enforcement of laws on payroll taxes and social-security contributions all but incentivized the use of the employment modality to lower labor costs. The companies also opted out of sectoral agreements, taking advantage of the norm-based participation expectation and lack of union density to demand it in the food retail sector.

The permissive orientation of national states towards management of the strawberry sector counters any workplace structural power that workers have from their position to shut down production during time-sensitive harvests or disrupt the flows of products on which food retailers depend. To pressure employers with such collective action, production workers face deportation from Spain and the United States, suppression by the national police force in Mexico. In retail,

Walmart was able to derail the first major strikes it faced by filing a complaint with the NLRB that threatened the UFCW with a fine sufficient to bankrupt the largest food retail workers' union. Even in the ordoliberal German labor relations system, employers have drawn on the state for support in avoiding collective bargaining. In the strawberry sector, then, changes in employment relations are unlikely to emanate from any actor but the workers themselves.

Labor Building Bargaining Power in the Strawberry Sector

To change employment terms and conditions in the strawberry sector, workers have to contend with the combined economic, political, and social forms of power that have provided employers a dramatic bargaining power advantage. In strawberry production, workers' leverage from striking during harvests is weakened by their replaceability, and their ability to raise wages and improve conditions is impeded by their employers' position as price takers in ICNs and by national states' under-enforcement of labor laws. In food retail sales, workers ability to take collective action is diminished by employers' ability to replace them as individuals, close stores to avoid activist workers, and exit from legal duties to engage in collective bargaining. Furthermore, the international and networked organization of the sector separates workers at production and sales stages by geographic, political, and company boundaries, making it difficult to engage in solidarity actions.

If associational power is the resource that can shift status quo employment relations through conflict and towards positive class compromise (Wright 2000), it is the "fulcrum" of change and thus central to understanding employment relations (Rhomberg & Lopez 2021: 39). The emergence of associational power has received considerable attention. As Marx (1847)

notably argued, employers assemble workers and present them with a common interest, their wage, placing workers in a social position in which they might develop the ability to act collectively. Yet the two moves do not automatically create associational power. The conditions in which workers are assembled – such as their surplus numbers and differentiation by social hierarchies in strawberry ICNs – require deliberate social construction of solidarity (Gramsci 1992). Construction is likely a process, involving stages of worker perception of common interests with coworkers, of management as workers' adversary, and of class struggle, and participation in collective action likely accelerates progression through such stages of consciousness (Mann 1973; Blackburn 1967; Fantasia 1988). Workers' consciousness, however, is shaped by dramatic moments like strikes and by the quotidian interactions with management and coworkers, some of which are strategic, and not all of which increase class consciousness (Burawoy 1979). The process of developing consciousness of common material interests is evident in outward behavior and within the neurological system, where activity begins to exhibit solidarity, a sense of trust and motivation to pursue common goals (Reich & Bearman 2019). The more inclusive solidarity extends, the more likely decent terms and conditions of employment are to be established and reproduced (Doellgast et al. 2018). How labor develops solidarity, then, is the second principal question considered in this study.

This study hypothesized that the process of human dignity, mutual recognition of each other's capacity to participate in the rules to which we are subjected (Honneth 1995), functions as the causal mechanism, necessary and insufficient (Beach and Pederson 2013), for labor to build sufficient associational power and overall relative bargaining power. Associational power is used in combination with other power resources, but their mobilization depends on its strength, which turns on the process of dignity recognition. From a position of exclusion from participation in the

rules of work, politics, and society, workers recognizing each other's dignity develops their individual self-confidence and bonds of trust as a collective, thereby producing the solidarity component of associational power that facilitates collective action. For workers in precarious employment, engaging in strikes tends to be insufficient, leading to their replacement as sources of capital accumulation or ephemeral changes before being compelled back to work. Building coalitional power thus helps workers to mitigate risks of direct collective action, including managerial capacity to replace labor and national state capacity to suppress workers. Coalitional power also depends on mutual recognition of dignity. To enlist supporters not immediately affected by their struggle into a coalition, workers articulate their struggle in terms of the general human need for dignity, inviting allies into mutual recognition of each other's capacity to participate in rule setting. The strength of combined associational and coalitional power is tested – forged or fractured – through collective actions and management and state responses to them. When sufficient, the combination of these two power resources can result in employer-based and state-based institutional power. Understood as a process, dignity can be understood as the inverse of alienation of labor. Whereas alienation of labor can be understood as pathological denial of participation in the rules of work (Marx 1867; Braverman 1979), workers' achieving recognition of dignity from employers is a means of establishing worker participation in work rules and thereby mitigating the inherent conflict in employment.¹³⁷

In contrast, non-recognition of dignity prevents labor from building power resources. In intra-class relations, organizational fetishism is a significant risk to the power building process. It occurs when leaders of representative organizations come to believe that the organization's power is self-generating (Bourdieu 1991, 2000).¹³⁸ Just as mutual recognition of dignity between leaders and the represented generates solidarity and thus associational power, failure to recognize each

other's dignity erodes self-confidence, interpersonal trust, the development of solidarity, and therefore associational power. That is, non-recognition undermines associational power by leaving it bereft of one component, solidarity, and reifying its second component, organization, as a self-generating source of power. Similarly, a failure of mutual recognition of dignity between a workers collective and potential allies blunts the force of any coalition action by depriving it of the second component of the power to act collectively, solidarity. Multiple forces may prevent dignity and thus the building of associational and coalitional power. Employer's structural and institutional power can deter workers from attempting collective action. The operation of social hierarchies, prominently racialism and patriarchy, can divide workers, indicating why their use in interaction with economic and political forms of power set the balance of bargaining power. Another inhibitor can be management's use of symbolic power to divert workers' attention from their common interests, e.g. by conveying concern for workers' welfare that is disconnected from the accumulation of surplus capital.

The Role of Human Dignity in Workers' Bargaining Power in Strawberry Production and Sales

The cases studied in production and sales of strawberry ICNs provide support for the thesis that the process of human dignity catalyzes associational power and thus labor's overall bargaining power. In each case, workers faced management's structural power in labor markets and workplaces, in terms of insulation from strikes or other disruptions, underpinned by the national state interventions. Outcomes of workers' efforts to gain participation in the rules to which they are subjected at work varied. Workers in strawberry production in Washington State gained recognition of their union from their employer, negotiated successive collective bargaining

agreements, through negotiations raised remuneration and worker discretion over work rules, and built a problem-solving relationship with management. In production in San Quintín, workers obtained state registration of their union and management commitments to raise wages and increase registration of workers in the social security system, which managers did incrementally, disconnected from inflation, and incompletely while intensifying workloads. In Huelva, regional unions have raised awareness of poor working conditions in strawberry production, while the sectoral agreement between the sector's business association and a national union federation has set wages below the national minimum. In food retail, Walmart has rejected workers' demand for collective bargaining, and while German codetermination institutions provide more mechanisms for voice at work, retailers have bypassed them. Across the cases, recognition of dignity and attendant strength of associational power was central to labor's bargaining power and the resulting outcomes.

At Sakuma Brothers in Washington, workers demonstrated deliberate efforts to recognize each other's dignity, and thus laid a foundation of solidarity on which they established their collective bargaining relationship with management. Workers' first response to the firing of a coworker was to stop work and march to management's offices as families. From the start of their strategic planning, FUJ applied the process of dignity recognition as a mechanism to build solidarity and associational power. The union conducted meetings that encouraged workers to participate as co-creators of the organization and campaign for collective bargaining. FUJ convened meetings in the labor camp, arranged simultaneous translation across the diverse languages spoken among them, and engaged in deconstructing social hierarchies. The inclusive approach was not automatic. For example, at the start the workers' elected president had to deconstruct misogynistic norms that he carried in order to develop and demonstrate the intra-

worker trust-based relations that empowered the union. FUJ also has deliberately acted to renew solidarity. For example, the union indexes union staff salaries to members' harvest wages, has staff visit workers most days during the harvest, distributes its collective bargaining agreement to workers, and provides orientations for members at the start of each season.

FUJ's coalitional power has also turned on the process of human dignity. When workers first reacted to their coworker's firing in 2013 and called Rosalinda Guillen, she responded by conditioning allyship on the workers taking up the challenge to be their own collective force as a union. As the workers engaged existing trade unions such as ILWU and UFCW locals, the response from the unions was not to propose an agenda but to provide the workers with relevant resources. Crucially, the information obtained by an allied union on Driscoll's plans for an advertising campaign helped FUJ to plan and implement its boycott effectively. The labor lawyers that represented FUJ and its members also recognized the workers as the protagonists. As a lawyer who supported contract negotiations explained, his directions were clear, from meetings convened by the union in which members and their families discussed proposals. Similarly, community organizations assumed the role of mitigating risks to workers' unionization campaign, importantly including advocacy to insulate the workers from immigration authorities.

Derived from the process of human dignity, FUJ's combined associational and coalitional power compelled Sakuma Brothers into collective bargaining with the union. Through subsequent rounds of contract negotiations and implementation through the grievance system, the union and management increasingly began to engage in mutual recognition of each other's participation in the work rules at the company. After three years of their collective bargaining agreement, they more often resolve conflicts through direct communications in real-time, rather than challenging each other's roles or going to arbitration.

The case of FUJ and Sakuma Brothers also indicates the forces operating against collective bargaining within strawberry ICNs. FUJ represents approximately 500 hand-pickers of berries, who work from June until October. Workers operating the blueberry harvesting machine and those working in Sakuma Brothers' processing, the company's largest source of revenue, are not represented by the union. The scope limits FUJ's workplace structural power, or ability to compel management through disruption of its revenue stream. Additionally, FUJ represents workers in an otherwise almost completely non-union berry industry,¹³⁹ and Sakuma Brothers faces pressure against wage increases not as a competitor with other berry production companies but as a member of agribusiness associations whose other members are concerned about union wage effects on their margins. The horizontal pressure combined with the financial squeeze from input suppliers and buyers militate against wage increases at the company, indicated by the relatively modest share of value from the ICN retained by FUJ members (7.8% if the strawberries were sold to US retailers). Furthermore, the organization of the strawberry sector means the production company specializes in monocultures and offers seasonal employment. The structural power imbalance motivated some FUJ members to create the *Tierra y Libertad* (Land and Freedom) worker-owned cooperative, which provides a livelihood without management but faces the challenges of operating in an economic system that favors competition based on value accumulation from labor processes.

Turning to strawberry production in San Quintín, workers' power-building process evinces similar goals and contrasting progress to the case of FUJ. Workers in the Mexican municipality also sought to build solidarity yet fell short of sufficiently inclusive recognition of each other's dignity. The Alliance leaders of the 2015 strike recognized that differentiation based on workers' distinct indigenous identities, e.g. as Mixteco, Triqui, or Zapotecos, divided them as a collective. The leaders thus set out to unite workers across diverse indigenous groups through organizing

meetings in their communities. Several leaders were elected traditional authorities, and drew on their democratic praxis for addressing residential concerns to involve workers in planning and implementing the strike. Mass participation in the 2015 strike evinced substantial capacity to act collectively, or associational power, and resulted in state registration of the independent union SINDJA and employer increases of wages and social-security registration.

However, workers' associational power in San Quintín in 2015 proved insufficient to achieve their demands, particularly for collective bargaining. The North American strawberry sector was able to divert production to sustain product supplies in the ICN, and at least some employers fired strikers. The national police suppressed the strike. To counter the resistance to their demands, workers needed the capacity to act in unison. Yet the separation of leaders from members and subordination of women weakened the movement's associational power. The sidelining of women in the process of negotiations fissured the Alliance, with women participating without complete recognition of their dignity by peers. Women who asserted their right to participate in negotiations reported that their voices were discounted. Furthermore, participants in the negotiations reported a consolidation of decision-making among an increasingly insular few. Those who signed the agreement with the employers' association and government then failed to consult workers prior to signing. The fissures within the Alliance and between leaders and workers led to a loss of worker confidence in leadership and the movement. Low participation and then a cessation of collective action led by the Alliance corroborated the lack of associational power.

The San Quintín strike of 2015 also underscores the difficulty for labor to build bargaining power in the strawberry sector. The workers' demands for collective bargaining, higher remuneration, and equitable treatment challenged the function of production in San Quintín for the entire North American strawberry ICN. Higher labor costs are limited by capital concentration

around production, in inputs, marketing, and retail. Collective bargaining and equitable treatment would limit employer discretion to replace and differentiate workers, making it more difficult for them to sustain low labor costs. The workers' strike challenged the national state to demonstrate its commitment to laws protecting their rights, and national police suppression of the strike evinced the state's prioritization of export agribusiness. If the Alliance had built more robust associational power, it is not clear that they would have achieved their demands; what is evident from the case is that the non-recognition of dignity among workers within labor movement impeded achievement of its demands.

Notably, in the years since the 2015 strike, the union SINDJA and its allied, women led collective MUDJI, have resumed the process of building associational power. By prioritizing the experiences of women workers, the collectives are working to supplant imposed gender subjectivities with recognition of each other's dignity. By inviting workers to file complaints when their legal rights are violated, they are encouraging workers' participation. The organizing work also faces the challenge of scale. Whereas FUJ organized workers and established collective bargaining at one strawberry production company, SINDJA is a nationally registered union. Even if SINDJA establishes collective bargaining at one company to start, it will face the challenge of expanding to multiple companies in order to substantially raise wages.

In contrast to the cases in Washington and San Quintín, in Huelva the process of building labor bargaining power has been delayed by disconnects between unions and workers. The ability of the CC.OO. and UGT to engage in sectoral bargaining demonstrates previously established institutional power. The unions previously had sufficient associational power to persuade the national state to support sectoral bargaining and employers to participate. Sectoral bargaining has had some effect, evinced by the relatively high approximate wage share of retail value (15.8%).

Yet the setting of wages in the contract below national minimum rates, pervasive gender-based violence, and under-enforcement of regulations on social security contributions and worker accommodations all indicate insufficient associational power to contend with employer's price elastic demand for labor, ability to replace dissenting workers, and national-state support for their discretion. Women and immigrants comprise the majority of workers in the strawberry sector and are the least involved in the unions. Without robust engagement of these workers by the unions, it is evident to employers that the unions cannot enforce agreements, eroding the power of sectoral bargaining. Furthermore, insufficient engagement of women and immigrants undermines labor's ability to make demands in the sector legible to potential allies as fundamentally legitimate demands for recognition of workers' human dignity, indicated by the evident lack of a coalition in the struggle for decent work in Huelva's strawberry sector. The low level of associational power reinforces employer's discretion to unilaterally set terms and conditions of employment.

Outside of collective bargaining in Huelva, the SAT has organized workers in pursuit of agrarian reform and establishing decent work for decades. The union has also demonstrated deliberate efforts to engage immigrant workers at their workplaces and in informal labor camps, such as recent installations of solar panels in workers' camps. However, the efforts have yet to translate into sufficient associational power to lead any collective action pressuring strawberry production companies, let alone to institutionalizing any changes in terms and conditions of employment in the sector. With the unions not having found the means to organize the temporary and immigrant workers in the sector, most workers lack access to adjudication and remediation processes; that is, they are impeded from making claims, their dignity unrecognized.

In sales of strawberries, the employment relationship that sets the standard for the food retail industry is that between Walmart and its two million employees. It is a relationship defined

by managerial resistance to collective bargaining and use of national-state policies to maximum advantage. To gain any leverage, workers have yet to build sufficient associational power. The employer's firing of union sympathizers derailed efforts in the 1960s and 1970s, in which low union density in US retail was evinced by minimal investment in the union campaigns. Once unions attempted unionization at Walmart in a significant manner in the 1990s, the company presented unprecedented power to resist based on its market share, many locations, and fine-tuned use of the US labor relations system. At individual departments and stores, workers demonstrated associational power to strike (e.g. the Black Friday strikes), unionize (e.g. Texan meat department workers), and gain collective bargaining rights under the law (e.g. Quebecois workers), and each time Walmart effectively resisted collective bargaining by firing workers and/or closing the department or store. The OUR Walmart and subsequent United for Respect movements began by identifying the need to build power through recognition of workers' dignity. The campaigns may have contributed to a "shift in the collective mindset of society...that if you work, you have rights," as a union organizer suggested. Yet if the logic was to use symbolic power to build associational power, it suffered from organization fetishism.

The disjointed processes of building associational and coalitional power at Walmart again highlights the foundational role of dignity. Since unions began focusing on the company, the praxis of worker participation in work rules at the company and in the campaigns pressuring the company has become increasingly obscured. Unions had rational concerns that seeking union collective bargaining at the company could undermine fulfillment of their duties to members, and in the late 1990s sought to defend collective bargaining gains at unionized food retailers. In the 2000s, public-relations campaigns sent mixed messages, at times repeating Walmart hagiography about its founder instead of contesting the exploitative model he established, at others suggesting consumers

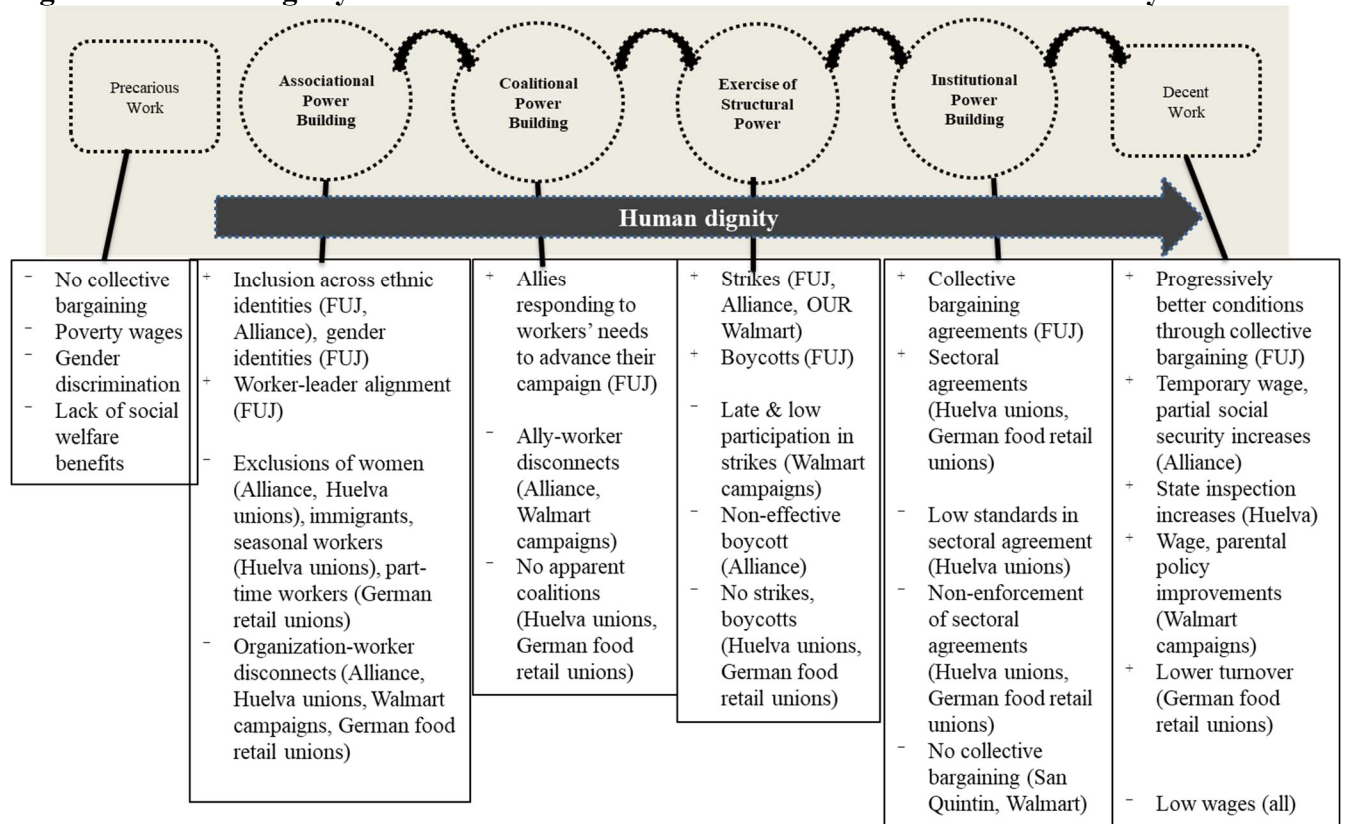
would change the company, diminishing workers agency while misrecognizing most consumers as a different class from the workers. In the 2010s, the first major strikes at the company appeared to indicate a strategic turn, halted with the message that unions supporting the effort did not seek collective bargaining at Walmart. Only hundreds of the company's millions of employees participated, and the non-union collective that emerged has reported less than a percent of Walmart employees as members. Each turn in union strategy was somewhat rational in the context of the retailer firing strikers, obtaining injunctions against collective action, and filing unfair labor practice charges that carried fines that could bankrupt a union. Yet the pattern of actions without workers as the protagonists exemplifies organization fetishism, the construction of the organizational component of associational power without the creation of solidarity, its second essential component.

While stronger than in the US retail sector, the level of associational power among workers in German food retail helps to explain why their employment terms and conditions are less-bad rather than much better than counterparts in US food retail. Half of retail workers are covered by collective bargaining agreements in Germany, yet coverage fell substantially in the last decades. German workers have more state-based institutional power, but companies increasingly opt out of sectoral agreements and use 'mini-jobs,' because they recognize labor's lower associational power permits more employer discretion. The dynamic is a reminder that even longstanding institutions such as Germany's labor relations system are socially developed and thus subject to change. In particular, works councils and sectoral bargaining depend on cooperation by unions and companies. If international competition has motivated German companies such as Lidl and Aldi to turn to mini-jobs and avoid collective bargaining with workers, organization fetishism by unions has made the exit strategy easier. The power of laws and norms requiring companies to recognize

workers' capacity to participate in work rules is not self-derived but based in workers' associational power. Declining levels of union membership and collective bargaining coverage in Germany's retail sector signal to companies that labor lacks the capacity to compel their participation in the co-determination mechanisms.

In each case, the extent to which workers recognized each other's dignity contributed to the level of associational power evinced in each case. The more workers recognized each other's capacity to participate in rules, the stronger their associational power. Stronger associational power enabled strikes and effective coalitional power. Assertions of combined associational and coalitional power brought employers to collectively bargain. When workers fell short of recognizing each other's dignity, and when non-recognition occurred between leaders, allies, and workers, workers had insufficient bargaining power to persuade employers to negotiate their employment terms and conditions. Figure 7 compares the progression of each set of workers.

Figure 7: Human dignity in five instances of labor collective action in the strawberry sector



The model facilitates tracing of worker processes of building relative bargaining power. Workers in the five cases have faced precarious working conditions, including lack of collective bargaining, wages below the cost of living where they work, gender discrimination, and lack of access to services for their social reproduction due to avoidance of contributions to social systems by their employers and/or reductions of those services by national state actors.

In their efforts to build associational power, patterns of practice diverged. FUJ in Washington and the Alliance in San Quintín deliberately led workers in recognizing each other's dignity across diverse identities, as distinct members of indigenous nations and mixed European and indigenous heritages. The FUJ took the worker-to-worker dignity process further by deliberately deconstructing misogyny and pursuing gender equity internally, and at work through

collective bargaining and establishing mechanisms to maintain the union's understanding that their power derives from the collective, e.g. through participatory meetings and linking union staff pay to members pay rates during the harvest. In contrast, failures to prioritize the process of dignity weakened associational power through failures to equitably involve women – in the Alliance and unions active in Huelva, immigrants – in the Huelva unions, and part-time workers – in German retail unions. Similarly, organization fetishism eroded associational power, indicated by loss of worker confidence in the Alliance, low worker participation in the labor campaigns targeting Walmart, and sufficiently low union membership among food retail workers to permit German retailers to opt out of sectoral agreements.

Stronger associational power supported coalition building. FUJ was able to recruit allies into a coalition that reinforced its campaign. In contrast, workers in the other cases lacked coalitional power, reflecting weaker associational power and thus ability to articulate their demands as a struggle for human dignity sufficiently for it to resonate with potential allies. Thus, ally efforts to launch a boycott fell flat with workers in San Quintín; community-based challenges to Walmart, e.g. 'site fights' failed to develop a coherent strategy with the retailer's workers; and coalitions have yet to emerge in the struggles of workers in Huelva strawberry production and German food retail.

Levels of associational and coalitional power determined the potency of direct actions. FUJ was able to combine strikes and a boycott. The Alliance asserted its associational power by leading a mass strike. OUR Walmart organized strikes but was unable to mobilize large enough numbers of Walmart workers to disrupt the company's capital accumulation process. Meanwhile, in Huelva strawberry production and German food retail, strikes and boycotts targeting the respective employers are notably absent.

Institutional power, the ability of workers to establish enforceable agreements with employers and regulations with national-state actors, also reflected combined associational and coalitional power. FUJ negotiated and renegotiated collective bargaining agreements with Sakuma Brothers. Unions in Spain and Germany established sectoral bargaining yet have been unable to sanction non-compliant employers. The labor movements in San Quintín and towards Walmart have been unable to establish any form of collective bargaining.

Some progress in all cases indicates the importance of collective action to advance from precarious towards decent work. With more associational power as a foundation, FUJ has achieved more of its demands, adding benefits such as union-management wage setting, job security, and a healthcare program to successive union contracts. Workers in San Quintín pushed employers to increase wages and social-security registration yet not to sustain wage rates in line with rising costs of living or register all workers. Reporting on poor conditions in Huelva's strawberry sector has led to more labor law inspections. Labor campaigns targeting Walmart contributed to the company's decisions to raise wages and improve certain policies, e.g. on parental leave. Prior concertation by unions in Germany continue to support higher levels of job protection in its food retail sector than that of the United States. However, in all cases wages remain low, reflecting management's relative power.

The economic, political, and social forces identified through ICN analysis clearly conditioned labor's processes of building power in each case. Firms' network organization insulated capital from labor pressure. Strawberry exports carried on despite the strike in San Quintín because marketers and retailers relocated sourcing. Distinct landowners, production managers, and cooperatives representing multiple companies obscure the flows of capital in Huelva's strawberry sector. Yet, pointing to capital vulnerabilities in networks (Anner et al. 2021),

the marketer proved critical in FUJ's case; applying the boycott to the lead firm, Driscoll's at a moment when it was seeking brand enhancement contributed to the employer's concession to unionization collective bargaining. At the level of national states, immigration policies also influenced outcomes in production stages. The workers in San Quintín and Skagit had migrated and settled permanently prior to launching their respective strikes. In contrast, when Eastern European workers gained rights to reside in Spain from their government's membership in the European Union, Spain established the contract-in-origin program, renewing management's ability to externalize reproduction costs to workers' home communities and differentiate workers. At the sub-national level, the state of Washington's protection of concerted activity provided a degree of state-based institutional power supporting FUJ's unionization. In contrast, protections of collective bargaining rights are more clearly established for US retail workers, for German, Mexican, and Spanish workers, yet were not enforced. In each case workers struggled to deconstruct the racialized and gendered hierarchies differentiating them, yet the more workers co-constructed a shared identity, the further they progressed towards achieving their demands.

At the most fundamental level, the role of recognizing each other's dignity in the development of associational power and bargaining power came through the cases. When workers dignity was deliberately recognized, they collectively built bargaining power. When leaders and organizations assumed self-producing power, management exploited the evident lack of associational power. Workers created FUJ by recognizing their collective capacity and demonstrated their associational power by sustaining unified action through strikes, boycott, and legal cases that compelled management into collective bargaining. Workers struck in mass and gained the independent union SINDJA by recognizing each other's common interests across diverse ethnic backgrounds, yet organized insufficient associational power to withstand pressure

from the state and employers, in part due to distanced leaders and excluded women. Unions active in Huelva demonstrate degrees of associational power used to negotiate sectoral agreements and protest, but the lack of inclusion of temporary and immigrant workers has limited worker voice. Through multiple iterations, US unions demonstrated associational power by mobilizing hundreds of workers in collective actions targeting Walmart, but never at a scale that could match the company's bargaining power. German retail unions have more membership and mechanisms for worker participation in work rules, yet management has exploited weakened associational power to evade norms meant to ensure worker voice.

Chapter 7: Concluding observations

This dissertation has studied bargaining power in the contemporary political economy. It began with the empirical observation of worker contestation of terms and conditions of employment at both the production and sales stages of a commodity circuit. The observation generated the two primary questions: why precarious working conditions exist in both the production and sales stages, and why certain workers were able to shift towards decent conditions. The study design was comparative. It selected the strawberry sector for its growth and labor-management conflicts in recent years. The findings were two-fold. The method of international commodity network (ICN) analysis identified the combined use of economic, political, and social forces supporting the growth of the strawberry sector by considering the network as an integrated entity and interpreted the observed forces effects on employment relations with a bargaining power framework. The application of the power-building model to labor's collective actions explicated varied achievement of workers' demands by identifying the process of dignity as the mechanism through which workers created solidarity, associational power, and bargaining power with employers and national state actors. What do these findings mean for employment relations and actors, and what are the limits to the study?

This concluding chapter addresses the implications and limitations of the study. The ICN approach applied throughout the study has sought to broaden employment relations beyond the workplace and to extend commodity chain studies by systematically engaging with the economic, political, and social forces empirically observed through the use of the conceptual tool of a bargaining power framework. In this manner, ICN analysis seeks to address why the actors in a commodity chain can interact with others in the ways observed; for example, why harvesting strawberries is low-wage work conducted by recently proletarianized people of subordinated social

groups, and the forces empowering Walmart to wield the phenomenal level of control over its workers and suppliers that has long been observed. The juxtaposition of worker collective action with the processual, dignity-based model of power building has sought to deepen power resources analysis by addressing the mechanism through which workers build bonds of solidarity and thus associational power. Limitations include several dynamics unaddressed in the study that are nevertheless consequential for the sector's place in society.

Implications of ICN analysis and a dignity-based model of power building

The findings suggest a number of implications for employment relations theory and action by labor, management, and national states. The implications derive from the study's two questions, on how to explain the operations of power in a commodity circuit, and the process of building bargaining power from labor's perspective.

First, each employment relationship studied reflected forces beyond the company and workers contractually involved in it. Each direct employer's exchange relations with other companies established parameters for the employment relationship, in particular heightening employer interests in low labor costs. National state policies shaped the scope of behavior of employers and workers, in particular by increasing employer capacity to unilaterally set terms and conditions of employment and deterring worker capacity to pursue participation in those work rules. Social orders mediated employer and state actor activities. When national states implemented policies that increased the labor supplies, the majority of people made available to employers in the sector were from groups subordinated in society on the basis of racial and gender identities. In turn, racialized and gendered hierarchies translated into employer mechanisms of differentiation to extract more value from the labor process and reduce risks of collective action by dividing workers.

The study's development of international commodity network analysis explained the precarious terms and conditions of employment in the strawberry sector by accounting for these economic, political, and social forces. For employment relations studies, the implication is that specific worker-manager relations are constituted through the use of economic, political, and social orders. Identifying and explaining use of the multiple forms of power explicates the balance of bargaining power in a particular conjuncture, how it was produced, and whether and how it might be altered.

Second, each labor struggle studied corroborated the essential role of associational power and indicated human dignity as a process that produces the solidarity component of associational power. The outcomes of each struggle reflected the strength of workers' ability to act collectively, their associational power. The cases in which workers demonstrated the most associational power were both the cases in which they compelled changes in their employment conditions and demonstrated deliberate recognition of each other's capacity to participate in rules to which they are subjected. When there was evidence of non-recognition, workers were less able to act collectively and less successful achieving their demands. Interpreting workers' activities with the conceptual model of building bargaining power illustrated the role of human dignity in each case. The association between the process of dignity and building bargaining power demonstrated by the cases suggests an extension of power resources theory. If the theory has focused on associational power as the cornerstone of labor's bargaining power (Wright 2000; Rhomberg & Stevens 2021), this study suggests that the process of recognizing human dignity may be the concrete with which the stone is made. For workers, this implies that building power involves not only the construction of organizations but the deliberate construction of solidarity.

For employment relations actors, these implications carry multiple considerations. For managers of capital, recognition of the contributions to their competitiveness from national states underscores their social embeddedness and rationale for assigning a social duty to them. Yet externalization of operating costs to society, specifically the costs for workers to reproduce their labor power in the location of work, is part of the current business model in strawberry production and sales. Assumption of more of the costs of labor reproduction would require re-organizing the sector to direct more of the capital accumulated to workers. Any company unilaterally distributing more to labor faces a competitive disadvantage, meaning a sustainable re-organization of capital flows would need to occur at least at the sectoral level. Another operational implication for management is to recognize their position in a network exploiting structural racism and patriarchy, regardless of individual managers' beliefs. The strawberry sector evinces a pattern of recruitment, pay, job assignment, and treatment of people based on identities assigned to them, in contradiction to any public claims of non-discrimination. Opening jobs to women, as observed at one company in San Quintín, is one consideration. More to the heart of the issue would be recognition of the use of social hierarchies in creating managers' and workers' class positions, towards acceptance that workers have as much capacity to participate in rules at work, politics, and society as the managers. Notably, the cases also suggest no compelling reason for managers to reorganize capital flows or accept worker participation in the absence of pressure from workers themselves.

For labor, ICN analysis implies multiple strategic considerations. Most broadly, the influence of forces beyond the workplace on employment suggest that changing terms and conditions of employment requires actions targeting economic, political, and social forces. The network organization of the economic exchanges in the strawberry sector means that direct employers and the companies exchanging with them shape terms and conditions of employment;

therefore, workers in the network are better able to shape the use of their labor by negotiating collectively with multiple firms, at least their direct employer and the lead firms. The FUJ-Sakuma Brothers case is indicative. FUJ's expansion of its pressure for union recognition to the buyer Driscoll's helped achieve recognition from the direct employer Sakuma Brothers, yet collective bargaining only with the direct employer limits influence over the flows of capital, total resources over which the union and management are bargaining, and therefore wage rates. An expansion of union negotiations to include buyers could address order volumes and product prices and thus expand the possible outcomes. Such multi-level bargaining requires labor power to bring the companies to the table, and was once used by unions to address network organization of the apparel sector. Further, if a production union and food retail union coordinated negotiations with their respective direct employers, they might identify ways to address the distribution of capital in commodity circuits more comprehensively, and even to address the under-employment challenges of harvest workers finding offseason employment and retail workers obtaining sufficient hours. Again, such coordination would require stronger bargaining power at each stage.

The international organization of the network implies separation of workers across geographic space and political boundaries. Thus, FUJ's location meant the union developed relationships with local unions transporting and selling the product harvested by its members, and the allied unions thus understood and reinforced FUJ's campaign. In contrast, production workers in San Quintín and Huelva are unable to legally travel to the locations where the product they harvest is sold, requiring long-distance communications and relationship building to effectively implement a boycott. International communications, between unions FUJ in Washington and SINDJA in Mexico and between SAT in Huelva and Moroccan unions, indicate interest among production workers in coordinating their efforts. Expanding coordination to incorporate unions in

production, transportation, and sales would offer more possibilities for solidarity actions targeting employment terms and conditions, leveraging food's perishability and fundamental role in people's lives.

The heavy hands of national states in the strawberry sector also suggest that labor cannot limit focus to relations with companies. Considering why management has certain bargaining power leads workers to policies including those on immigration, distribution of land, water, and other natural resources, and international trade and investment. While none are addressed without the associational power to gain influence with national state actors, leaving them unaddressed limits labor's ability to change employment relations.

Furthermore, the co-constitutive role of social hierarchies suggests that workers must deliberately engage with social constructs, including racialism and patriarchy, deconstruct subjectivities that divide them, and challenge employer and national state uses of identities to subordinate them. In this regard, the difference in internal organizing between FUJ and the Alliance was particularly indicative, demonstrating that deconstructing one hierarchy while operating under the influence of another limits associational power building – as in the case of the Alliance unifying diverse indigenous groups while reproducing patriarchal norms, while addressing hierarchy in every identified form facilitates power building – as in the case of the FUJ unifying members with diverse heritage and gender identities.

Study limitations

This study was limited. For one, it attempted to identify patterns of practice across an entire commodity circuit. It did so in response to the focus of most commodity circuit studies on one stage of any given circuit, most often production. In such studies, the influence of actors involved

in sales is often recognized, but the capacity of buyer companies to set terms of exchange is often taken as a given. By considering both production and sales stages, this study sought to address why each actor can operate in the observed manner in the commodity circuit. Broadening the scope to the entire circuit meant delimiting the scope of investigation of each case study. As a result, multiple issues were left out, considered secondary to the operations of power in the sector, but nevertheless influences on it.

For one, the study referenced that many key inputs used in strawberry production are from consolidated industries, but the consolidation of those industries was unaddressed. Unpacking why providers of agro-chemicals, fertilizers, and irrigation systems have the ability to set prices is the topic of other studies (Clapp and Isakson 2018).

Another unaddressed topic is the use of technology in strawberry production, which is likely to affect employment relations in the sector in the not-too-distant future. That no production company is using mechanical harvesters to-date is the reason that such technology was not a focus on the study. However, interviewed managers and publicly available reports suggested that strawberry harvesting machines are available, only that they are more expensive than human labor power. If the costs of the machines were reduced enough to make them economically viable and no other livelihood options are created for the workers who currently depend on harvesting strawberries for income, then the displaced workers would have to compete with other workers for available jobs. Given the physical toll of harvesting strawberries, saving the jobs as currently organized is not necessarily a best option. The factors that have resulted in workers enduring the difficulty of harvesting strawberries to-date need to be addressed for any reasonable expectation that alternative jobs or livelihoods would be better.

Another issue unaddressed in the study is the limits to expansion of strawberry production presented by natural systems. Climate change, loss of biodiversity, freshwater depletion, deforestation, nitrogen and phosphorus biogeochemical flows, and chemical pollution are among the planetary boundaries pushed by strawberry and other agribusiness sectors.¹⁴⁰ A number of FUJ members settled in Washington State after suffering heat-related health effects while harvesting crops in California. In southern Mexico, climate change is reducing subsistence agriculture as a livelihood or subsidy to wage labor, driving more people to migrate in search of alternatives.¹⁴¹ The transformation of land for production of strawberries is common across the cases and contributes to the loss of biodiversity and disruption of flows of nitrogen, phosphorus, and other components of soils. To sustain production in such deteriorating conditions, the strawberry sector relies on extensive use of chemicals to protect against natural pathogens.¹⁴² The sector also leaves behind residues from the chemicals and large quantities of plastics used in combination with fumigants, pesticides, and fertilizers. Freshwater depletion forced agribusiness in Baja California, Mexico, to increasingly rely on desalinization plants, and has exacerbated conflict over water usage between the industry and local communities with highly irregular access. While other studies focus on these issues, implications for labor are worth noting. Use of land for long-distance commodity trade means it is not used to satisfy local food needs. Use of water and chemicals present health risks to workers unable to access sufficient water and exposed to toxins. As society pushes further climate change, the locations used for production may no longer be viable, and the jobs they involve disappear.

Changes in the input sectors, technology, and natural systems will certainly affect the future of the strawberry sector. What this study has indicated is that workers' participation in shaping that future depends fundamentally on the process of human dignity.

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ENDNOTES

¹ Karl Marx (1990: 156) described this tendency after defining the commodity as the combination of use-value and exchange value, stating, “The chain, of which each equation of value is a link, is liable at any moment to be lengthened by a newly created commodity, which will provide the material for a fresh expression of value.”

² For example, the 2019 reported annual revenue of the large strawberry production companies Berrymex in Mexico is \$37 million, Sakuma Brothers in Washington State \$17 million, and Agromolinillo in Spain is \$52 million. In comparison, annual revenue of the marketing companies Driscoll’s was \$455 million, Naturipe \$100 million. For food retailers, revenue of the largest in Spain, Mercadona, was \$26 billion, of Walmart \$524 billion.

³ Giovanni Arrighi (1994: 111) made the point after tracing the transition of Florentine wool manufactures into financiers, relegating to the less fortunate the vagaries of managing the living beings bringing wool from the backs of sheep to humans.

⁴ Walmart grocery sales of \$208,413,000,000 accounted for 32% of total grocery revenue (Walmart 2021; Fernandez 2020).

⁵ Gary Gereffi (1994) contrasted buyer-driven (BDCCs) and producer-driven commodity chains (PDCCs). In BDCCs, the buyer, such as a food or apparel brand or retailer, has the power to and thus largely organizes the processes that bring the commodity to the consumer. In PDCCs, the producer, quintessential an automotive company, has the power and organizes the production through sales processes.

⁶ Gary Gereffi, John Humphrey, and Timothy Sturgeon (2005) proposed four categories of coordination between company dyads: hierarchical, captive, relational, and modular. Relevant to the current study, modular relations involve suppliers making products in compliance with standards specified by the client while the suppliers “take full responsibility for competencies surrounding process technology, use generic machinery that limits transaction-specific investments, and make capital outlays for components and materials on behalf of customers.” They defined captive relations as those in which the suppliers “are transactionally dependent on much larger buyers...”, “face significant switching costs and are, therefore, ‘captive,’ and submit to “a high degree of monitoring and control by lead firms.”

⁷ Mark Anner (2017) observed lead companies in the apparel industry “squeezing” capital out of suppliers, which in turn squeeze or extract more value out of their workers by, for example, lowering wages and intensifying work.

⁸ Among the most influential development theories bound by political borders referenced here are Rostow, Walt. (1960). *Stages of Economic Growth: A Non-Communist Manifesto*. Cambridge: Cambridge University Press and Kerr, Clark, John T. Dunlop, Frederick Harbison, and Charles A. Myers. 1964. *Industrialism and Industrial Man*. New York: Oxford University Press.

⁹ In the 2020 strawberry harvest, in San Quintín employers paid \$18-\$28 per day, while employers in the United States paid \$120-\$144 per day (from the \$14.77 hourly adverse effect wage rate for H-2A workers in California to up to \$18 per hour paid to workers represented by Familias Unidas por la Justicia in Washington). In Morocco, the daily minimum wage in agriculture and the strawberry sector is \$8.55 (76.70 dirhams at 1 USD = 8.96814 MAD) (<https://www.ecoactu.ma/smig-smag-juillet-2020/>), and in Spain the daily minimum established in the sectoral agreement is \$49.25 (€41.20 at 1 USD = 0.836570 EUR) (ASAJA and CC.OO. 2018).

¹⁰ The US Department of Labor (2018) reports 24% of agribusiness employees were born in the United States as of 2016, and a study of Moroccan women (specifically women, not men) employed in Huelva, the province where most strawberries are produced in Spain, reported approximately 20,000, compared with local estimates of 80,000 workers employed in Huelva (Márquez Tejón and Wilson 2019). A 2019 report on Mexican export agribusiness found increased hiring of workers from Central America (Escobar, Martin, and Stabridis 2019: 179), corroborating the reliance of the industry on externalizing labor costs.

¹¹ Michael Burawoy (1977: Footnote 2) explains the concept of reproduction of labor and of labor regimes by referencing Antonio Gramsci’s (1971: 158) observation “that nothing which exists is natural (in the nonhabitual sense of the word), but rather exists because of the existence of certain conditions, whose disappearance cannot

remain without consequences.” Burawoy expounds, “Social relations, labor power, systems of migrant labor, etc., do not merely exist but have to be produced again and again – that is, *reproduced*.”

¹² International Labour Organization (ILO) (2008). Promotion of Rural Employment for Poverty Reduction, International Labour Conference, 97th session, report IV, Geneva: ILO, ¶122.

¹³ The US Supreme Court ruled against the class standing of the 1.5 million women represented in the lawsuit, *Dukes vs. Walmart*, but Justice Ruth Bader Ginsberg pointed out in her dissent that the facts of the case stood (*Wal-Mart Stores, Inc. v. Dukes*, No. 10-277 U.S. (2011)). A lawyer interviewed with decades of experience with class action lawsuits observed that the rejection of class standing reflected the conservative orientation of the Supreme Court, which in iterations prior to the 1980s would have likely certified the class and proceeded to examine the merits of the case.

¹⁴ By documenting the practices of differentiating peoples within Europe, e.g. the subordination of Irish and “Slavs”, Robinson (2000) argues that racialism and capitalism co-constituted modern, European-dominated economic, political, and social orders. Robin Kelley (2017) articulates the difference between racialism and racism made by Robinson: “Capitalism and racism . . . did not break from the old order but rather evolved from it to produce a modern world system of ‘racial capitalism’ dependent on slavery, violence, imperialism, and genocide. Capitalism was ‘racial’ not because of some conspiracy to divide workers or justify slavery and dispossession, but because racialism had already permeated Western feudal society. The first European proletarians were racial subjects (Irish, Jews, Roma or Gypsies, Slavs, etc.) and they were victims of dispossession (enclosure), colonialism, and slavery within Europe. Indeed, Robinson suggested that racialization within Europe was very much a colonial process involving invasion, settlement, expropriation, and racial hierarchy.”

¹⁵ As Minkah Makalani (2021) points out, Robinson’s concept racialism pushes us to see beyond the historically contingent manifestations of racism and to see the naturalization of hierarchies that permeate all social structures, including modes of property relations.

¹⁶ This definition of bargaining power adapts Max Weber’s conception of power, ‘the ability of an individual or group to carry out their will despite resistance’ (Weber 1968: 56), recognizing that, while some approaches to bargaining power limit it to a dyad, “resistance” recognizes that workers and managers interact with social, political, and economic systems in setting the work rules that govern their relationship.

¹⁷ The use of “exit” and “voice” refers to options for decision-making in employment relations. Richard Freeman and James Medoff (1984) adapted Albert Hirschman’s exit-voice-loyalty model of consumer behavior to employment relations, explaining that union representation and collective bargaining provide workers voice and create an alternative to exiting the employment relationship for labor and management.

¹⁸ Karl Kautsky raised the question in *The Agrarian Question* (1899(1988)). As Henry Bernstein (1996) summarized, Kautsky raised three related questions: 1) what political alliances emerge with agriculturalists, 2) how to extract surplus value from agriculture, and 3) agriculture’s contribution to capital accumulation in other economic sectors.

¹⁹ Driscoll’s, the Regents of the University of California, Plant Sciences, Inc., and Plantas de Navarra S.A. (Planasa, aka Societe Civil Darbonne and Darbonne Pepiniere, SAS) together received 56% of strawberry plant patents from the U.S. government (USPTO 2020). Corteva (previously the agricultural unit of DuPont, sold to complete the DuPont-Dow merger in 2019 (DuPont 2019) owns the trademark for Telone, the compound of chloropicrin and 1,3-dichloropropene used as a fumigant in commercial strawberry production. Widely used fungicide Carbendazim and pesticide Bifenthrin are manufactured by massive multinational corporations: BASF, DuPont, Bayer CropScience, Jiangsu Lanfeng Bio-Chem, Lianyungang Jindun Agrochemical, NingXia Sanxi Chemical, Anhui Guangxin Agrochemical Group, AnHui JinTai Pesticides Chemical, Bailing Agrochemical, Trustchem, Jiangsu Sinamyang Crop Science, Yangzhou Pioneer Chemical, Hunan Haili Chemical Industry (Absolute Reports 2020). Yaffa and CQM control as much as 80% of the fertilizer market, according to another production company manager interviewed. Driscoll’s dominates marketing, accounting for one-third of all US berry sales and 60% of organic strawberry sales (Goodyear 2017). Four companies control more than 40% of US food retail sales – Walmart, Kroger, Ahold Delhaize, and Publix (USDA ERS 2020), and five companies controlled 62% of food retail sales in Germany by the mid-2000s (Lawrence & Burch 2007). While US and German retail are the main destinations of strawberries produced in the locations studied herein; notable, food retail concentration is more widespread. For example, two companies (Mercadona and Carrefour) control nearly one-third of Spanish food retail sales – Mercadona 22% and Carrefour 10% (USDA FAS 2019).

²⁰ The Deloitte *Global Powers of Retailing 2020* report ranks companies by annual revenue: Wal-Mart Stores, Inc., Costco Wholesale Corporation, Amazon.com, Inc., Schwarz group, The Kroger Co., Walgreens Boots Alliance, The Home Depot, Inc., Aldi Einkauf GmbH & Co. oHG, CVS Health Corporation, Tesco PLC.

²¹ *Supra* note 4.

²² United for Respect was called Organization United for Respect at Walmart (OUR Walmart) from 2010 until changing to United for Respect to reflect an expanded focus of its activities to multiple companies (see <https://united4respect.org/>).

²³ Historians have argued that the exclusion of agricultural and domestic workers from the National Labor Relations Act was a strategic move by New Deal policymakers to enact the law, for which they needed supportive votes from Southern Democrats, who would not support granting collective bargaining rights to Black workers. By excluding industries reliant on Black labor, agriculture and domestic work, the NLRA gained the Southern politicians support and passed. (See Paul Frymer. 2008. *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party*; Risa L. Goluboff. 2007. *The Lost Promise of Civil Rights*; Ira Katznelson. 2005. *When Affirmative Action was White*; Harvard Sitkoff. 1978. *A New Deal for Blacks*.) The political compromise exemplifies racial capitalism, the term theorized by Cedric Robinson (2000: Chapter 1) to describe the co-constitutive relationship between the reification of social hierarchies based on perceived differences between groups on the one hand and, on the other, the development of capitalism, which requires exploitable labor.

²⁴ The state of Washington enacted the Little Norris LaGuardia Act (RCW §49.32. 020) in 1919. It states, “WHEREAS, Under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his or her freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore, though he or she should be free to decline to associate with his or her fellows, it is necessary that he or she have full freedom of association, self-organization, and designation of representatives of his or her own choosing, to negotiate the terms and conditions of his or her employment, and that he or she shall be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protections; therefore, the following definitions of, and limitations upon, the jurisdiction and authority of the courts of the state of Washington are hereby enacted.”

²⁵ United States federal regulations grant the US Customs and Border Protection (CBP) authority to operate within 100 miles of the national border, an authority routinely abused to conduct searches without probable cause, that lead to deportations and other immigration enforcement actions (ACLU 2018). Workers traveled across the US-Mexico border annually for seasonal work at US agribusinesses in the 1980s and 1990s. Since, the US government (Department of Homeland Security) forced border crossers into the most dangerous borderland, the Sonoran desert, by building walls and increasing border enforcement. The US government also increased deportations throughout the country, including of parents of US citizens – ICE increased immigration-related arrests 30% in 2017 over 2016. As an immigration lawyer explained, in recent years the US government also ended the practice of granting work authorizations to asylum seekers during their case proceedings.

²⁶ White here refers to the demographic category used by the US government (USDA ERS 2021). However, its relevance is for understanding social hierarchies. As Cheryl Harris (1993) argues, social classification of “whiteness and property share a common premise – a conceptual nucleus – of a right to exclude in the USA.

²⁷ Under the US H-2A visa program, employers can rehire the same workers year after year for up to 10 months, and the workers are permitted to work only for the employer with whom their visa is linked, in practice meaning their employer can terminate their employment and work in the United States and, according to workers’ anecdotes, effectively blacklist workers from other employers.

²⁸ See Dunbar-Ortiz, Roxanne. 2014. *An Indigenous Peoples’ History of the United States*. Boston: Beacon Press.

²⁹ *Supra* note 19

³⁰ In 2019 Sakuma Brothers Holding Co. reported \$17 million in sales. Its subsidiaries Sakuma Brothers Farms, Inc. reported \$6 million, and Sakuma Brothers Processing, Inc. reported \$11 million (Orbis database 2020).

³¹ Robotic machines that harvest strawberries have been increasingly advertised as productive, yet managers interviewed report that the machines remain more expensive than human labor power to date. Companies reportedly leading research and development of the machines include Agrobot in Spain, Shibuya Seiki in Japan, and Harvest CROO Robotics in the United States.

³² The Instituto Mexicano de Seguridad Social (IMSS) provides workers with health care, pensions, disability and unemployment insurance. When established, IMSS excluded agriculture. Reforms in 1960 extended coverage to permanent workers in agriculture. Reforms in 1995 extended coverage to all workers, but the vast majority of agricultural workers have not received full IMSS benefits (Velasco et al. 2014: 195-202), a delivery gap noted in chapter 3 on San Quintín, Mexico.

³³ Seth Holmes (2013: 47-49) described the housing provided to harvest workers by Sakuma Brothers as cabins, 10 feet by 12 feet, with tin roofs, plywood walls, no insulation, two windows often covered with cardboard, old

mattresses and rusty springs, with orange-colored water running from the faucets and musty refrigerators. David Bacon (2015) photographed what he described as “hard camp conditions.”

³⁴ Intan Suwandi (2019: 60-61) calculated that average unit labor costs in Mexico are barely more than 40% the average unit labor costs in the United States, a ratio that has decreased since the mid-1990s.

³⁵ Rosalinda Guillen was born to parents from Texas, USA and Michoacán, Mexico who worked in US agribusiness and moved the family to La Connor, WA. There Guillen worked at the local bank until the late 1980s, when she helped form the Rainbow Coalition to support Jesse Jackson’s presidential campaign. Workers at the Stimson Lane Wines vineyard Chateau St. Michelle in eastern WA contacted the coalition, and Guillen helped them lead a boycott that led to their unionization and collective bargaining with the company. The United Farm Workers hired Guillen, and she led union organizing campaigns, then political campaigns in California, notably helping reform the Agricultural Labor Relations Act to establish mandatory mediation-arbitration to ensure first a first contract for newly unionized workers. The AFL-CIO sent her to the World Social Forum, where she met the Landless People’s Movement, whose participants convinced her that their model, what they refer to as a solidarity economy – based on reciprocity instead of competition – is a viable alternative that represents progress beyond unionism. For Guillen, the proposition also recalled the broader vision of Cesar Chavez. She formed Community to Community with other women to create the conditions for workers to create their own representative collectives, including unions and cooperatives, by removing or mitigating political, economic, and social barriers.

³⁶ The US Congress established the H-2 temporary guest worker program in the Immigration and Nationality Act of 1952, and in 1986 differentiated industries, designating H-2A visas exclusively for agricultural labor. A company hires workers from other countries through the H-2A program by applying to the US Department of Labor, which certifies that “A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed” (8 USC § 1188(a)(1)). However, the certification is muddled by minimal requirements on applying companies to recruit locally and the distortions of the “adverse effect wage rate,” which is set by the US Department of Agriculture and historical depression of wage rates in US agribusiness (Geffert 2002; Guerra 2004; Stockdale 2013). The workers’ blockage of Sakuma Brothers petition for H-2A workers is the only known case of a denial of a company’s request for H-2A visas based on workers’ intervention.

³⁷ The law prohibits the state agencies from asking you about or collecting your place of birth, immigration status, or nationality unless it is for an ongoing criminal investigation; Stopping or detaining you to determine immigration status; Giving ICE/CBP your personal information; Holding you on ICE/CBP detainers or ICE administrative warrants; Allowing ICE/CBP access to interview you in jail. If ICE/CBP is in the jail investigating a criminal offense, you have the right to remain silent and refuse to speak with ICE; The jail must get written consent from you before ICE/ CBP can interview you; Denying you services or benefits if they have an ICE detainer, notification request, or immigration warrant; Notifying ICE/CBP when you will be released from custody; Contracting with ICE and CBP to do immigration enforcement. (https://www.nwirp.org/wp-content/uploads/2019/06/KWW_KYR_One-Pager_English-Spanish_Final_June2019.pdf)

³⁸ *Familias Unidas por la Justicia, an unincorporated association, and Felimon Pineda, and individual v. Sakuma Brothers Farms, Inc.* Skagit County Sup. Ct. No. 13-2-01641-1 (2013); *Familias Unidas Por La Justicia v. Sakuma Bros. Farms, Inc.*, Skagit County Sup. Ct., No. 14-2-00924-3, 2014 WL 3408022; *Familias Unidas por la Justicia v. Sakuma Brothers Farms, Inc.* Skagit County Sup. Ct. No. 17-2-01242-7 (2017).

³⁹ *Familias Unidas por la Justicia v. Sakuma Brothers Farms, Inc.* Skagit County Sup. Ct. No. 14-2-00924-3 (October 1 and November 3, 2014).

⁴⁰ *Familias Unidas por la Justicia v. Sakuma Brothers Farms, Inc.* Skagit County Sup. Ct. No. 17-2-01242-7 (August 24 and September 27, 2017).

⁴¹ The interest arbitration procedures were adapted from Major League Baseball salary arbitration procedures, according to the lawyers who developed them.

⁴² Between 1989 and 2001 the portion of workers employed in production in US agribusiness who are not legally authorized to work in the United States increased from 14% to 55%, and has since hovered around 50%, according to the U.S. Department of Labor National Agricultural Workers Surveys (NAWS). Yet between 1996 and 2016, the number of workers in US agribusiness production who are considered settled, not migrant, increased from 41% to 80%, also according to NAWS (USDA ERS 2020b). The trend towards settlement likely only increased after 2016, as the US government further intensified enforcement activities against unauthorized immigrants (ACLU 2020).

⁴³ California, Connecticut, Hawaii, Idaho, Indiana, Louisiana, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Washington and Wisconsin and Puerto Rico have enacted little Norris LaGuardia Acts (Willis 2000).

⁴⁴ As of 2017 Driscoll's commanded 34% of all strawberry sales, 48% of organic strawberry sales (Goodyear 2017). The top four US food retailers share of sales increased from 16.8% in 1992 to 42.4% in 2016 (USDA BLS 2019)

⁴⁵ Growth in strawberry sales accelerated in the 2000s and early 2010s, reaching a record of 7.9 pounds per capita in the United States in 2013, according to the USDA Economic Research Service (2014).

⁴⁶ Annual reported income for the privately owned Sakuma Brothers Holding Company increased from \$6.1 to \$6.4 million between 2011 and 2012, a level that persisted until a large increase to \$18-\$20 million for the years 2015-2019 (Mergent Intellect database). Given the gap and little change in the number of workers over the 2010s, it is likely that the increase in income reflects sales of assets, such as the Norcal Nursery in 2017, and increased processing of berries produced by other companies.

⁴⁷ Previously referred to as the San Quintín Valley, in 2020 San Quintín separated from Ensenada and became the sixth municipality in the Mexican state of Baja California. The municipality San Quintín includes the valley's towns Eréndira, San Quintín, San Vicente, Camalú, Colonia Vicente Guerrero, Colonia Lázaro Cárdenas, el Rosario de Arriba, Puertecitos, el Mármol, Cataviña, Punta Prieta, Bahía de los Ángeles, Punta Colonet, and Villa de Jesús María e Isla Cedros.

⁴⁸ The basic food basket cost 435.58 pesos daily for a family of 4 while the minimum daily wage was 70.1 pesos in 2015 (CAM 2015).

⁴⁹ The figures were lower than they would be for San Quintín due to the statewide scope of the survey, which included higher income urban areas of Tijuana and Ensenada.

⁵⁰ The Political Constitution of the United States of Mexico (Art. VI) states the minimum salary paid to workers should be sufficient, accounting for regional conditions, to satisfy normal needs in the life of the worker, their education and honest pleasures, considering the worker as head of a family – contemporarily the meaning of “living wage” (see Anker, R. 2011 Estimating a living wage: A methodological review. International Labour Organization Conditions of Work and Employment Series No. 29. Geneva: International Labour Office.).

⁵¹ As several workers described in interviews, managers demanded more production for the higher wages following the strike, managers required seventeen rows instead of eight or hired two workers instead of four to complete weeding, removing the plastic that covers the soil below the plants after the harvest, and other tasks (Interviews with the author February-March 2020). Inflation increased in Mexico annually 2.82% in 2016, 6.04% in 2017, 4.80% in 2018, and 3.64% in 2019, according to the World Bank (2021. Inflation, consumer prices (annual %) – Mexico. World Bank Databank.

⁵² Companies paid 18-19 pesos per box (n=19), and workers (n=50) tended to pick 20-30 boxes per day.

⁵³ Workers (n=50) reported spending 160.54 pesos on water, 1,211.54 on food, 101.38 on gas, and 85.18 on electricity per week.

⁵⁴ *Supra* note 50

⁵⁵ Workers (n=50) reported spending 160.54 pesos on water, 1,211.54 on food, 101.38 on gas, and 85.18 on electricity per week.

⁵⁶ Local IMSS office data showed a total of 46,165 employees registered in the social security system, 6,000 of whom were registered as permanent workers, and, of those registered as temporary workers, 10,000 were in agriculture. Conservatively assuming 16,000 agricultural workers registered on any basis (despite the obviousness that some number of the 6,000 permanent workers are in other industries) would suggest that 40% of the 40,000 workers employed in San Quintín agriculture were registered in IMSS in 2020, most only for part of the year.

⁵⁷ The visit immediately preceded the first cases of COVID-19 and the start of the associated pandemic in San Quintín. Continued correspondence with managers and workers during the pandemic indicated that production proceeded, with a lower demand from food service buyers in the late spring into early summer of 2020. Therefore, the impacts of the pandemic are not the subject of the present analysis.

⁵⁸ Exchange rate used: 1 USD = 20 MXN (www.xe.com)

⁵⁹ The 2020 Adverse Effect Wage Rate for employment of workers through the H-2A program in California was \$14.77 per hour; strawberry pickers represented by Familias Unidas por la Justicia earned \$16-\$18 per hour in Washington State.

⁶⁰ Large production companies have more than 100 hectares, medium 50-100 hectares, and small less than 50 hectares, according to the president of the Consejo Agrícola de Baja California.

⁶¹ According to production managers, process requirements began with food safety concerns, leading to hygienic and sanitary requirements – now posted at the entrance of strawberry fields in San Quintín – and often GlobalGAP certification. In the 2010s, retailers such as Costco began demanding certifications covering environmental and social issues, like Rainforest Alliance, Fair Trade USA, and Equitable Food Initiative. Since the 2015 strike, dominant berry marketing companies in San Quintín Driscoll's and Andrew and Williamson arranged for their suppliers to be certified to Fair Trade USA and EFI, respectively. Since 2015, Driscoll supplier BerryMex has

obtained Fair Trade (USA) certification for most of its owned operations, and Driscoll's claims that 90% of strawberries it sources from Baja California are organic (Roethler 2016), a claim viewed skeptically by workers.

⁶² The next largest companies by revenue in Mexico's berry sector are California Giant Berry Farms, the Watsonville, California based company that established a subsidiary in Mexico in 2013, and Andrew & Williamson, the California based company with a subsidiary in Mexico since the 1990s and a scandalous history – sued by the US government for selling Mexican-grown products to a US procurement program for schools after the product was linked to a hepatitis outbreak in 1997, and again for a salmonella outbreak in 2015.

⁶³ Driscoll's apparently removed a public tracing system that allowed consumers to identify the berry supplier and its location. This website presented the Driscoll's product tracing system in 2015:

<https://asupersavvysaver.com/2015/08/03/trace-your-code-find-where-your-driscolls-berries-are-harvested/>.

Currently the Driscoll's website states that its products are traceable; its products display a code; but the public-facing tracing system is no longer accessible.

⁶⁴ Driscoll's is less than 1% the size of Walmart, in 2019 revenue (Mergent 2021).

⁶⁵ Following the lifting of barriers to competition with the national oil and gas corporation PEMEX in 2015, multinational corporations have introduced the gas station plus convenience store model that now dominates the trans-peninsular highway running through San Quintín.

⁶⁶ While the first barriers were constructed along the US-Mexico border in the early 20th Century, the construction of a wall along the border accelerated from 14 miles of barrier in 1993 to 654 miles in 2017 (see CNN. 2019. This is how much of the border wall has been built so far. *CNN*, January 19, 2019; United States Government Accountability Office (GAO). 2017. Southwest Border Security. February 2017, <https://www.gao.gov/assets/gao-17-331.pdf>, page 9.) The number of people who died crossing the US-Mexico border increased from around 1993 into the 2010s, according to the US Government Accountability Office (GAO <https://www.gao.gov/assets/gao-06-770.pdf>) and International Organization for Migration (<https://missingmigrants.iom.int/region/americas?region=1422>).

⁶⁷ The Instituto Mexicano del Seguro Social (IMSS) provides healthcare, retirement, and occupational disability benefits.

⁶⁸ Garcia reportedly negotiated a pay rate of 300 pesos per box of strawberries – up from the prevailing 150 but below CIOAC's demand of 600 (Velasco et al. 2014: 240-241)

⁶⁹ “Exigimos a la Organización Internacional del Trabajo su intervención, para que el gobierno mexicano cumplan con los acuerdos internacionales, como el derecho de los pueblos originarios, derechos humanos, derechos sindical y el derecho a la huelga” (Alianza de Organizaciones Nacional Estatal y Municipal por la Justicia Social y Sindicato Independiente Nacional Democrático de Jornaleros Agrícolas. 2015. Manifiesto del 17 de Marzo.

⁷⁰ Radio XEQIN, “La Voz del Valley / The Voice of the Valley,” broadcasts in Mixtec, Spanish, Triqui, and Zapotec, and is run by the National Commission for the Development of Indigenous Peoples – pointing to the complex relations between the Mexican state and indigenous peoples in its territory, one in which the state seeks to control the construction of indigenous identity even while some efforts like the radio station open up space for autonomous activity.

⁷¹ Further amplifying workers' grievances, an exposé by Richard Marosi and Don Barletti in the *Los Angeles Times* highlighted the connection between US food retailers' interests, control, and super-exploitative conditions at their suppliers in Mexico. Marosi reported, “it seems like it's a system that is especially designed to exploit people, workers who pick the produce that much of America eats...all of these firms trying to project an image of social responsibility. And they've got all these badges of certifications...But when you take a really hard look at these places, there's many problems...there is a heavy presence of American inspectors...they're focusing on food safety...the U.S. retailers are the regulators” (Inskeep 2014).

⁷² FIOB, CIOAC, Central Campesina Cardenista, Unión Nacional de Trabajadores, Nueva Central de Trabajadores, Sección XXII de la Coordinadora Nacional de Trabajadores de la Educación, Ejército Zapatista de Liberación Nacional, Frente Popular Revolucionario, Familias Unidas por la Justicia, United Farm Workers, Farm Labor Organizing Committee, AFL-CIO

⁷³ The Mexican Government Secretariat (SEGOB 2017) documented the events during the strike in its 2017 report Informative Notes About the Conflict of the Agricultural Day Laborers in the Valley of San Quintín, Ensenada, Baja California.

⁷⁴ In *Contested Terrain* (1979), Richard Edwards developed the typology of management control over labor: simple control – direct physical, economic, and verbal coercion, technical control – physical organization of the labor process to direct worker behavior towards increasing productivity, and bureaucratic control – human resource management practices that reduce workers' collective perception of employers as antagonistic.

⁷⁵ See for example: O'Rourke, D. (1997). *Smoke from a Hired Gun: A Critique of Nike's Labour and Environmental Auditing in Viet Nam, as Performed by Ernst & Young*; Elliot, K. and Freeman, R. (2003). *Can Labor Standards Improve Under Globalization?* Washington, DC: Institute for International Economics; Esbenshade, J. (2004). *Monitoring Sweatshops: Workers, Consumers, and the Global Apparel Industry*. Philadelphia: Temple University Press; Barrientos, S., Gereffi, G., Rossi, A. (2011). Economic and social upgrading in global production networks: A new paradigm for a changing world. *International Labour Review*; Anner, M., 2012. Corporate social responsibility and freedom of association rights: the precarious quest for legitimacy and control in global supply chains. *Political Sociology*. 40 (4), 609-644; Finnegan, B. (2013). *Responsibility Outsourced: Social Audits, Workplace Certification and Twenty Years of Failure to Protect Worker Rights*. Washington DC: AFL-CIO. [online] <https://aflcio.org/reports/responsibility-outsourced> (27 September 2017)

⁷⁶ See *supra* note 56.

⁷⁷ The Federal Centre for Labor Conciliation and Registration has a mandate that combines those of the United States National Labor Relations Board, Federal Mediation and Conciliation Services, and Office of Labor Management Standards (17 September 2020. The USMCA (the New NAFTA): Moving to Effective Enforcement of Labor Rights. U.S. branch of the International Society of Labor and Social Security Law (ISLSSL) in conjunction with the LERA International Interest Section)

⁷⁸ Domestic legal reforms resulted from pressure built by the labor movement and eventually asserted by the US government to address the lack of protection of labor rights by the Mexican government. The pressure reflected the outcomes of neoliberalism implemented in North America since the 1980s: declining government support for unions, immiserating wages, increasing productivity, and reinforcing incentives for corporations to locate labor-intensive operations in Mexico to take advantage of falling unit labor costs relative to its northern neighbors, low trade barriers, and strong investment protections – most firmly established in NAFTA. In the context of the Trans-Pacific Partnership (TPP) negotiations and rise of the Movimiento Regeneración Nacional (MORENA) party under André Manuel López Obrador, the Mexican government reformed article 123 of the Mexican Constitution in 2017, ratified the ILO Right to Organise and Collective Bargaining Convention (No. 98) in 2018, and reformed the Federal Labor Law in 2019. (See Arteaga y Carillo 1988; Bensusán 2000; Bensusán y Reygadas 2000; Carillo y Gomis 2013; Bensusán y Florez 2019)

⁷⁹ The USMCA provides mechanisms for pressuring the Mexican government and employers to comply with the new labor laws. The three governments committed uphold ILO core labor standards, including explicitly the right to strike, in Chapter 23 of the USMCA, meaning violations of these standards are subject to the same dispute settlement system as other provisions of the agreement and can lead to arbitration and sanctions on a government as last steps of the complaint process. For disputes alleging violations, the USMCA requires its dispute settlement panel to assume that the violation affects trade unless the government alleged to have failed in its duty proves otherwise, and does not require that the violation gave an employer a competitive advantage. In the Dominican Republic – Central America – United States Free Trade Agreement, a complainant had to prove that the labor standards violation was in a manner affecting trade and conferred a competitive advantage to an employer, positions of the US-Guatemala panel that prevented findings and remedial action. Furthermore, the USMCA establishes the Facility-Specific Rapid Response Labor Mechanism, which permits complaints by the US or Canadian government against an employer in Mexico for violations of freedom of association and collective bargaining rights to a panel, with the mandate to impose remedial measures, including sanctions such as suspension of trade preferences. The USCMA permits complaints by the Mexican government against a US or Canadian employer “only with respect to an alleged Denial of Rights owed to workers at a covered facility under an enforced order of the” National Labor Relations Board or Canada Industrial Relations Board, respectively. Claims can be brought against Mexican employers only with respect to an alleged Denial of Rights under legislation that complies with Annex 23-A (Worker Representation in Collective Bargaining in Mexico)” (USCMA Art. 31-A.2 Footnote 2, Art. 31-B.2 footnote 5). However, this rapid-response mechanism applies only to “priority sectors,” currently including manufacturing, services, and mining; while the government signatories can add sectors, it would require strong pressure to convince the US government to propose the extension and to convince the Mexican and Canadian governments to agree. (Office of the U.S. Trade Representative, Executive Office of the President. Agreement between the United States of America, the United Mexican States, and Canada. 7/1/20 Text. <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>; Santos, A. 2019. Reimagining Trade Agreements for Workers: Lessons from the USMCA. <https://ssrn.com/abstract=3502815>).

⁸⁰ See *supra* note 72.

⁸¹ The United States Trade Representative negotiated the Trans-Pacific Partnership with eleven countries, and the executive branch argued that it would raise signatory states’ commitments to international labor standards, specifically freedom of association, collective bargaining rights, and freedom from child labor, forced labor, and

discrimination at work. The US Congress never ratified it. The executive branch withdrew the United States from the agreement officially in 2018.

⁸² Notably, there was little change in 2020 and 2021, as one might expect from the reductions of activity related to the COVID-19 pandemic. The average unemployment rate in Andalusia between 2002 and 2019 was 23.9% (INE 2021)

⁸³ The national minimum is a monthly rate of €1,108.33, approximately €46 per day for 6-day workweeks.

⁸⁴ Digital tools to control productivity appear to be increasingly used in the strawberry sector. In addition to this report of their use in Spain, workers in Washington State reported recent adoption of scanners in the field, which they felt reduced their control compared to previously used paper cards on which fruit checkers marked the quantity of berries picked, as remains the practice in San Quintín.

⁸⁵ Examples of Walmart monopsony power over suppliers abound. Charles Fishman (2006) details the effects of Walmart's demands, such as an approximate 5% reduction in price each year from suppliers. Barry Lynn (2007) notes several indicative cases: Walmart told The Coca-Cola Company to change the recipe of its new line of diet colas in order to sell them; Kraft closed 39 plants and eliminated 13,500 jobs to meet Walmart's price requirements.

⁸⁶ *Supra* note 4.

⁸⁷ The comparison is based on Deloitte "Global Powers of Retailing 2021" report: for FY2019, Walmart revenue was \$523,964,000,000 compared to Amazon's \$158,439,000,000, Costco's \$152,703,000,000, Schwarz Group's \$126,124,000,000, and The Kroger Co.'s \$121,539,000,000.

⁸⁸ By revenue, Walmart was the largest company in the world with \$523,960,000,000 revenue in 2020. Amazon revenue in 2020 was almost half at \$280,520,000,000. The other top ten by revenue are Sinopec Group, State Grid (China), China National Petroleum, Royal Dutch Shell, Saudi Aramco, Volkswagen, BP, and Toyota Motor. (see <https://www.gfnag.com/global-data/economic-data/largest-companies>)

⁸⁹ Walmart contributed \$5,103,670 to political campaigns and spent \$6,400,000 in lobbying in 2020 (see <https://www.opensecrets.org/orgs/wal-mart-stores/summary?id=d000000367>). These numbers do not account for direct Walmart spending on political influence outside of the United States or indirect political influence through business associations of which the company is a member, such as the Retail Industry Leaders Association (RILA).

⁹⁰ Walmart employs hourly workers a maximum of 34 hours per week and, even as it raised the ceiling on its wages to \$15/hour it kept its starting wage at \$11/hour in 2021 (Buchwald 2021). Some workers report hourly wages below \$12 even after more than a decade of work at the company (*Ibid*).

⁹¹ See Glasmeier, Amy K. 2021. Living Wage Calculator. Massachusetts Institute of Technology, <https://livingwage.mit.edu/>.

⁹² Walmart CEO and president Doug McMillon received \$22.6 million in 2020 (Clark 2021). The hourly rate is based on a 40-hour week, 52-week year.

⁹³ Studies have repeatedly found that unions increase wages for represented workers. See H. Gregg Lewis. 1963. *Unionism and Relative Wages in the United States*. Chicago: University of Chicago Press; Richard B. Freeman and James L. Medoff. 1984. *What Do Unions Do?* New York: Basic Books, Inc. Publishers; Hristos Doucouliagos, Patrice Laroche, and James L. Medoff. 2017. *The Economics of Trade Unions: A Study of a Research Field and Its Findings*. London and New York: Routledge Taylor & Francis Group.

⁹⁴ As Thomas Jessen Adams noted (Lichtenstein 2007: 218-219), "Majority ownership of each corporation was held by the partnership, Walton's 5 and 10 Cent Stores. This partnership itself had majority ownership in a trust administered by Helen Walton, while controlling ownership (40 percent) was in the hands of Sam Walton, Helen's husband. Sam Walton, the founder of Wal-Mart, was also chairman of the board of each of the three Wal-Mart corporations. Additionally, the stockholders of each corporation varied among Sam and Helen Walton's children, other relatives, and various friends from Bentonville, Arkansas...By establishing each of his stores as a separate corporation, Sam Walton achieved two cost-cutting and labor control victories. An amendment to the Fair Labor Standards Act of 1938 held that retail establishments with less than \$1 million a year in total sales volume were exempt from paying their employees a minimum wage...The strategy of dividing ownership also hindered union organization. As long as different Wal-Marts were considered separate corporations, any labor organizing would have to be limited to an individual store, thus nullifying companywide collective bargaining potential." As David Weill (2014) argued, fissuring, establishing fault lines that weaken labor's bargaining power, has become pervasive in US employment relations in recent decades.

⁹⁵ Section 8 (a)(1) defines as an unfair labor practice for an employer "to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7 [section 157 of this title]. However, the National Labor Board effectively empowered employers to threaten workers who supported unionization with firing or plant closure by permitting conditional statements that voting for a union might result in moving the workplace under the 'prophecy doctrine' (Chicopee Manufacturing Corp., 107 NLRB 106, 107 (1953)), so long as the language was

somewhat euphemistic (Mt. Ida., 217 NLRB 1011 (1975)). The NLRB also permits employers to communicate to workers that voting for unionization would result in drawn-out legal proceedings instead of collective bargaining as intended by the NLRA (Esquire Inc. 107 NLRB 1238, 1242 (1954)). To communicate such threats, the NLRB established employers' right to require workers to attend presentations of management's anti-union argument on company time and premises, and to deny a union's request to present its argument at the workplace, under the 'employer free speech' doctrine (Livingston Shirt Corp. 107 NLRB 400, 416 (1954)).

⁹⁶ This version of Walmart's management manual was first leaked and reported on in 1997, and its instructions remained evidently in place at least through 2015 (Berfield 2015).

⁹⁷ Judge Antonin Scalia wrote the majority opinion wrote that "Without some glue holding together the alleged reasons for those decisions, it will be impossible to say that examination of all the class members' claims will produce a common answer to the crucial discrimination question" (564 U.S. (2011). Opinion of the Court, Supreme Court of the United States, No. 10-277, pages 8-12) Judge Ruth Bader Ginsberg pointed out in her partially dissenting opinion, "The 'dissimilarities' approach leads the Court to train its attention on what distinguishes individual class members, rather than on what unites them." and that the company's "system of delegated discretion...is a practice actionable under Title VII when it produces discriminatory outcomes." Ginsberg noted the evidence in the case that "Women fill 70 percent of the hourly jobs in the retailer's stores but make up only '33 percent of management employees'... '[T]he higher one looks in the organization the lower the percentage of women'... The plaintiffs' 'largely uncontested descriptive statistics' also show that women working in the company's stores 'are paid less than men in every region' and 'that the salary gap widens over time even for men and women hired into the same jobs at the same time.'" (565 U.S. (2011). Opinion of Ginsburg, J. Supreme Court of the United States, No. 10-277).

⁹⁸ *Supra* note 95.

⁹⁹ Tilly (2007) reports that Walmart has changed its sales model to sell to higher income populations in countries with lower income levels (Central America), been outcompeted in places where competitors dominated the discount market (Germany), accepted unions where political cooptation of workers' unions makes them more a co-manager than challenger (China, Mexico), and failed to capture market share where consumers prefer more frequent, smaller food sellers and otherwise are confused by Walmart's required employee friendliness (Mexico, Germany).

¹⁰⁰ The interests of the Walton family were displayed during annual meetings of Walmart shareholders: in June 2012, the Organization United for Respect at Walmart (OUR Walmart) proposed a resolution that stated, "We have cut costs too far, stores are understaffed and associates cannot provide customers the service that Sam Walton built the company on and that we are proud to provide." It went on to quote Walton, "Listen to your associates, they are your best idea generators" and concluded "There has to be a new relationship based on honesty, based on trust, based on respect" (Berfield 2012). Meeting attendees, approximately 16,000, cheered the resolution, and it garnered 9% of the vote, approximately half of which was then controlled by the Walton family (*Ibid*). What the Waltons understood that OUR Walmart's resolution mis-interpreted, is that respect for workers lives only in the hagiography of Sam Walton, while the historical record shows the company founder super exploiting the workforce more than any other. The immiserating wages implemented by Walton were estimated as a 3.3% decline (Brea-Solis et al. 2015). At the annual meeting in 2014, Walmart workers again proposed a statement to shareholders, stating, ""Something is wrong when the richest family in America pays hundreds of thousands of associates so little they cannot survive without public assistance and the charity of co-workers" Corey 2014). While the Walton family's ownership level still permitted them veto over the resolution, for the first time the company CEO agreed to meet with a group of employee members of OUR Walmart (Corey 2014).

¹⁰¹ So-called "dollar stores" like Dollar General and Dollar Tree grew on the financial crises endured by many US residents in the last decade, and now sell through an estimated 31,000 stores around the country (See for example Teresa Rivas. 2020. Dollar Stores Are a Retail Growth Story Even in a Downturn. *Barron's*, 17 July 2020.)

¹⁰² Walmart became the largest retailer in the United States in 1990, the largest employer worldwide in 1999, and did not open stores in the large US cities of the northern and western regions, which accounted for around 20% of consumer buying power, until the 2010s (Walmart 2021; Lichtenstein 2011).

¹⁰³ This is conservatively estimating a 40% turnover rate at Walmart, following Reich & Bearman (2018: 249). As Reich & Bearman note, turnover reflects what Richard Edwards (1979) described as simple control – management use of relatively overt forms of coercion to extract value from labor more than any management effort to obtain consent through investments in satisfying workers – and provides a pressure release in the sense that aggrieved workers are more likely to leave than pursue change at the company (Reich & Bearman 2018: 33, Footnote 35).

¹⁰⁴ The work requirements imposed on recipients of public assistance by the US government went into effect 1997-1999, years when Walmart's market cap soared from around \$100 billion to around \$475 billion (Reich and Bearman 2018: Figure 1.1, page 69)

¹⁰⁵ “Followers” is more appropriate than “competitors” given Walmart has annual revenue nearly double the size of the next largest retailer, Amazon, and nearly three times the third-largest retailer, Costco (see Deloitte 2020).

¹⁰⁶ As described here, the EDLP approach means extraction of value from less powerful participants in the international political economy; however, several observers laud Walmart for offering lower prices to consumers regardless of how the costs of such discounts are externalized (see Furman, Jason. 2005. Wal-Mart: A Progressive Success Story. Mackinac Center for Public Policy, November 28, 2005, <https://www.mackinac.org/archives/2006/walmart.pdf>; Hemphill, T. A. (2008). Demonising Wal-Mart: What do the facts tell us? *Journal of Corporate Citizenship*, 31, 26–29.; Morillo, J., McNally, C., & Block, W. E. (2015). The Real Walmart. *Business and Society Review*, 120(3), 385–408. <https://doi.org/10.1111/basr.12060>; and

¹⁰⁷ Particularly the General Agreement on Tariffs and Trade (GATT) Uruguay Round negotiations of 1994, the subsequent World Trade Organization negotiations, and the many ‘free trade agreements’ and ‘bilateral investment treaties’ led primarily by the US government and European Union.

¹⁰⁸ Walmart reduced working hours at times to redirect capital, as in 1999 when its executive Tom Coughlin ordered store managers to cut 3 hours from each employee’s week and thereby boosted profit records in time for a quarterly report that in turn increased share value (Rosen 2005), and others to avoid payments to employee health insurance programs (Greenhouse & Barbaro 2005). But overall, Walmart led the trend in employing labor in accordance with the patterns of sales revealed by its ICN tracking, a trend that contributed to an 14% reduction in average weekly work hours between 1972 and 2014 (to 30.2) in the US retail industry (Ikeler 2016: 46, citing Bureau of Labor Statistics).

¹⁰⁹ Strawberries have a 1-2 day shelf life in ambient conditions, increased to 7-8 days when chilled, due in part to their high water content, which increases risk of the mold *botrytis cinerea* and other contaminants (Rijkema, Rossi, and Vorst 2014; Samadi et al. 2017; Kelly, Madden, Emond, do Nascimento Nunes 2019).

¹¹⁰ Ashenfelter et al. (2010) note the accepted finding that monopolists accrue monopsony power because they are or approach the position of being the only employer demanding labor for their labor process, the typical case being “the ‘company town,’ where a single employer dominates.”

¹¹¹ Here, Wright Patman was specifically describing the Robinson-Patman Act of 1936, which was passed to strengthen the prior anti-trust laws, the Sherman Antitrust Act of 1890 and Clayton Antitrust Act of 1914.

¹¹² Barak Orbach (2011) explained, “the antitrust consumer welfare standard was born in a rhetorical flourish and grew with illegitimate borrowing. Most antitrust lawyers and economists know that Bork was confused [or intentionally disingenuous] when he used the term “consumer welfare” in his analysis of the Sherman Act. The Supreme Court made a mistake in relying on his analysis. Over the years, dozens of articles and books have referred to Bork’s “confusion” and debated what meaning this mistaken labeling should have. The simple truth is that we, in the antitrust community, have failed to inform courts about the original mistake that Bork made. This article aims to correct that mislabeling.”

¹¹³ Walmart introduced a “not actually a profit-sharing plan,” that required one year of employment to begin, seven years to vest, and the company contribution fluctuated from a high of six percent of a worker’s wages during its expansionary period down to four percent in the 2000s. A fraction of employees benefited substantially, yet nearly 50% turnover meant most did not. (Ortega 1998: 239; Lichtenstein 2008)

¹¹⁴ In the mid-2000s, Walmart staff in California received more than \$85 million in public assistance annually (Dube 2004). In the early 2010s, national payments to Walmart workers increased public assistance by around \$1 million (Democratic Staff 2013). According to a 2007 report by Good Jobs First (<https://www.goodjobsfirst.org/sites/default/files/docs/pdf/walmartproptax.pdf>), Walmart requested tax breaks from government officials for a third of its stores and 40% of its distribution centers, and received on average \$40,000 in deductions for each store and \$289,000 on average for each distribution center

¹¹⁵ As Jake Rosenfeld (2014) documented, strikes recorded by the US Bureau of Labor Statistics (of one thousand workers or more) numbered in the range of 400-500 per year in the 1950s, then dropped to 5 in 2009, with two-thirds of the decline in activity since the 1980s. Of course the BLS records do not account for smaller strikes, but the pattern is nevertheless evident.

¹¹⁶ The successor to OUR Walmart, United for Respect, includes the following at the bottom of its website: “Legal Notice: Courts have enjoined non-Associate OUR Walmart agents from entering any Walmart property, except to shop, in Arkansas ([Read the order](#)), Florida ([Read the order](#)), Texas ([Read the order](#)), Colorado ([Read the order](#)), Ohio ([Read the order](#)), and Maryland ([Read the order](#)) from entering inside stores. A court has enjoined non-Associate OUR Walmart agents from entering the insides of stores in California to engage in activities, such as picketing, patrolling, marching, parading, flash mobs, demonstrations, handbilling solicitation, manager confrontations or customer disruptions ([Read the order](#)). [Walmart OH Permanent Injunction Decision](#)” (<https://united4respect.org/>, accessed 4 April 2021).

¹¹⁷ Since 2000, the unemployment rate in the United States increased rapidly between 2007 and 2010 during the Great Recession, after which it fell to a 20-year low between 2018 and the first quarter of 2020, before increasing due to the COVID-19 pandemic in the middle of 2020 (see Bureau of Labor Statistics <https://www.bls.gov/charts/employment-situation/civilian-unemployment-rate.htm>).

¹¹⁸ Oregon required employers to provide advance notice & to not retaliate against workers' making scheduling requests in 2017; New York City prohibited on-call scheduling in 2017; Emeryville, California prohibited retaliation for scheduling requests & provided right to rest between shifts in 2018; and Philadelphia required advance notice & compensation for last-minute changes in 2019. (see <http://www.fairworkweek.org/>)

¹¹⁹ Toys 'R Us began in 1957. In 2005, private-equity firms KKR, Bain, and Vornado bought it for \$7.5 billion but paid only \$1.3 billion in cash, making the company responsible for more than \$5 billion in debt. By 2018, TRU filed for bankruptcy, after paying more than \$400 million annually to pay off debt since 2005, and paying \$470 million in fees to the PE firms. TRU closed all of its 700-800 stores & told the 30,000+ employees laid off that no money was available for severance after paying creditors. OUR Walmart and the Center for Popular Democracy helped workers win some severance. Bain Capital & KKR committed \$20 million, to be distributed to workers with at least 1 year seniority & earning \$5,000-\$110,000 – approximately \$600 per worker. Workers also won a class-action lawsuit seeking priority for their severance claims, but received a settlement of \$2 million, compared to the law firm representing Toys R Us in bankruptcy proceedings receiving \$56 million in fees. (Battarai 2018; Corkery 2018; Covert 2018; Elstein 2018; Ronalds-Hannon & Lauren Coleman-Lochner 2019).

¹²⁰ Reich and Bearman (2018: 74) write, "One of the most important economic changes of the past 50 years is the declining likelihood of a child's income exceeding that of his or her parents. A child born in 1940 had a 90 percent chance of earning more than his or her parents, whereas a child born in the 1980s has only a 50 percent chance. A man born in 1940 had a 94 percent chance of earning more than his father, compared with a 41 percent chance for a man born in 1984.36 Upward income mobility is still possible in America, but it's no longer the norm. This does not mean that people stop trying. They just don't succeed as often."

¹²¹ Others emphasize a similar requirement for collective action, particularly E.P. Thompson in *The Making of the English Working Class* (1968), where he describes it as a disruption of a group's moral economy.

¹²² The resolution read, "We have cut costs too far, stores are understaffed and associates cannot provide customers the service that Sam Walton built the company on and that we are proud to provide....[quoting Walton]... 'Listen to your associates, they are your best idea generators'... There has to be a new relationship based on honesty, based on trust, based on respect" (Berfield 2012).

¹²³ In Chile, workers built associational power towards securing collective bargaining with Walmart initially by confronting the dissonance between the company's attempt to call them "associates" ("*colaboradores*") (Bank Muñoz 2017: 120-133). In Germany, the rejection by society of the Walmart policy requiring workers to smile and greet each customer as socially unnerving has been repeatedly noted as part of the company's exit from the country (Christopherson 2006; Catá Backer 2007; Kolben 2007).

¹²⁴ Recalling that UFCW represented 800,000 workers at food retail chains and had contracts that provided wages 30% higher than rates at Walmart, fulltime schedules, defined benefit pensions, health insurance (before Walmart offered even its meager plans), and a seniority system (Lichtenstein 2008).

¹²⁵ As one of the production managers explained, "Amazon – I don't see it as so strong in strawberry. We thought when it bought Whole Foods. We think that most people go to the store...for strawberry, you want to see the color, smell it, see if the clamshell is good" (Interview 2020).

¹²⁶ France is the second-largest destination for Spain's strawberry exports and in 2018 imported 105 million pounds compared to 211 million pounds imported by Germany. The United Kingdom, Italy, and Portugal are also important but far smaller destinations for fresh strawberry exports from Spain, which also exports frozen and processed berries, particularly to the Netherlands. (UN COMTRADE 2021).

¹²⁷ The German parliament is expected to conclude deliberations over the proposed law before national elections in the Fall of 2021, as noted by Berndt Keller, professor Emeritus at the University of Konstanz, Germany, and contributing author to *International & Comparative Employment Relations: Global Crises & Institutional Responses*, 7th edition, 2021, edited by Greg J. Bamber, Fang L. Cooke, Virginia Doellgast, Chris F. Wright, Sage.

¹²⁸ Civil liability not articulated clearly in the proposed German law on human rights due diligence is included in a similar laws enacted in France, and would provide victims of human rights violations access to judicial remedy through the courts of the home country of the lead company of the supply chain. As the European Coalition for Corporate Justice (ECCJ 2021) points out, administrative sanctions alone would result in governments gaining revenue from violations of human rights in the supply chains of companies in their jurisdiction while denying due process to victims of those violations.

¹²⁹ In contrast, Belgian law provides unions formal control over works councils (Pulignano et al. 2015).

¹³⁰ *Supra* note 19

¹³¹ These approximations are using \$3.08 for a pound of berries sold in US retail and \$1.81 per pound (€4.00 per kilogram) for berries sold in German retail and, for harvest wage rates, the rate set in the sectoral agreement for Huelva, the rate set in the collective bargaining agreement between FUJ and Sakuma Brothers in Washington State, and the average rate reported by workers, managers, and other actors interviewed in San Quintín.

¹³² University of California Cooperative Extension researchers estimated that labor costs accounted for 60% of total costs for strawberry production companies in the state's Central Coast Region (Tourte, Bolda, & Klonsky 2016). While their data is from a location other than those studied here, it is consistent with descriptions shared by interviewees in Washington, San Quintín, and Huelva.

¹³³ *Supra* note 31

¹³⁴ The Mexican government's 1992 agrarian reforms extended capitalist property rights over land, effectively foreclosing the prior practice of communal ownership and reciprocal commerce (Velasco, Coubé, & Zlolski 2014: Footnote 114). Trade barriers were reduced and eliminated under the North American Free Trade Agreement between the United States, Mexico, and Canada.

¹³⁵ By derogation, I refer to state permission for management to exit from legal or contractual constraints on employment practices (Howell, Chris. 2021. "Rethinking the Role of the State in Employment Relations for a Neoliberal Era." *ILR Review* 74(3):739–72).

¹³⁶ *Supra* note 95

¹³⁷ This adapts Axel Honneth's argument that human development depends on social relations in which individuals can maintain relationships in which each participates in the norms governing it (1995).

¹³⁸ This adapts Pierre Bourdieu's observations that politicians lose their capacity to use symbolic power – use of verbal and non-verbal symbols to render recognizable "the violence objectively present in actual life" (1991: 170) and project a "legitimate vision of the social world...and the direction in which it is going and should go" (2000: 185) – when they come to believe that they are their own source of power as opposed to their represented base (1991: 203-219).

¹³⁹ The other unionized berry production company in the United States is Swanton Berry Farms in Santa Cruz, California, whose owner James Cochrane described in a 2021 interview that he began organizing farming cooperatives and supporting the United Farm Workers' unionization efforts in the 1970s, welcomed workers to unionize in the 1980s, attempted to introduce an employee ownership model in the 2010s, and recently scaled down to ten employees.

¹⁴⁰ For more on planetary boundaries, see Stockholm Resilience Centre. Planetary boundaries, <https://www.stockholmresilience.org/research/planetary-boundaries.html> (accessed 30 June 2021).

¹⁴¹ 2019. Spotlight: The Northern Triangle, in *Climate Refugees: The Climate Crisis*, Berkeley: Othering & Belonging Institute, <https://belonging.berkeley.edu/climaterefugees/northerntriangle> (accessed 15 June 2016).

¹⁴² See Guthman, Julie. 2019. *Wilted: Pathogens, Chemicals, and the Fragile Future of the Strawberry Industry*. Oakland, California: University of California Press.