

“IT’S A BUSINESS”

Labor Day 2008 – Torah Portion: ראה

As the Labor Day holiday approaches, it is appropriate to discuss the linkage between the principles of the American Labor movement and Jewish values as they relate to worker justice. This week’s torah portion, ראה, found in דברים יא-טז contains the command,

אִפְסֵי כִּי לֹא יִהְיֶה־בְּכֶם אֲבִיּוֹן *“There shall be no needy among you...”*

It is of particular importance to consider issues of worker justice and the needy at this time of year as the vital contributions of American Labor are formally recognized. A recent series of events at the largest kosher slaughterhouse in the country brought to light worker abuses that many members of the Jewish community found reprehensible. Some of the offenses included, 57 incidents of child labor law violations with children as young as 13 years old working in the plant; failure to pay workers the full amount of wages they had earned; paying wages well below the industry standard and often below the federal minimum wage level; unnecessary exposure of workers to dangerous, even life-threatening, working conditions; sexual harassment; workers being forced to buy overpriced used cars from their supervisors in order to keep their jobs; assisting workers with illegal immigration documentation, and; threatening workers seeking to unionize with exposure of their illegal immigration status.

The reactions to these revelations included many calls to boycott the company’s product which were heeded by a substantial number of Jewish community organizations, grocery chains and individual consumers. The Postville situation led to two other important responses. The first was passage of a Living Wage Teshuvah. The second was the introduction of an effort to create a Hecksher Tzedek or Justice Certification for food processors.

The Living Wage Teshuvah was written by Rabbi Jill Jacobs and presented to the Conservative Movement’s Committee on Jewish Law and Standards some time ago. It was finally passed by the Committee in May of this year, two weeks after a Federal immigration raid at the Agriprocessors plant. The raid resulted in the arrest of about 400 Agri employees who were in the country illegally. Teshuvah means return. It refers to the necessity of fixing mistakes by returning to the path of God. The Teshuvah requires that Jewish employers treat their workers with dignity and respect. This means, among other issues, such as, refraining from yelling at or embarrassing employees, that workers are paid a Living Wage. A Living Wage is a wage sufficient for a person to afford food, housing, transportation, child care, etc. The amount of that wage is based on costs related to living in a specific town. A Living Wage is considered to be at least 80% of the median income for an area. The Living Wage is markedly higher than the minimum wage. The primary objective of the Living Wage is to prevent people from having to live below the poverty line despite working 40 hours or more each week. In addition, employers must pay employees money due on a timely basis. Employers have to provide appropriate safety equipment and training, and not allow exposure to dangerous conditions. Finally, according to the Teshuvah, employers are obligated to allow their workers to make independent decisions regarding unionization. Employers shall not interfere with unionizing drives or resort to strategies aimed at discouraging unionization.

The second response to the Postville situation was the creation of the Hecksher Tzedek. Hecksher Tzedek is not a form of kosher certification. Rather it will be given to food processors who meet comprehensive standards for the treatment of workers and animals. It was originated by a group of Conservative rabbis led by Rabbi Morris Allen from the Minneapolis area. Rabbi Allen has declared that we should not be eating food produced in a manner that denies the dignity of the worker. There should not be a greater concern with the smoothness of a cow's lung (referring to the Glatt Kosher standard) than with the safety of a worker's hand. There are numerous references in the Torah describing the manner in which we are obligated to treat other people. In Jerusalem there is a 'social seal' given to restaurants by an organization called Bemaaglei Tzedek, which translates, In the Circles of Justice. Bemaaglei Tzedek certifies more than a third of Jerusalem restaurants. The purpose of the seal is to verify that the restaurants are committed to community Jewish values. Proper treatment of workers is established through interviews conducted by the organization's volunteers.

Jewish tradition, beginning with the words of the Torah written 3,000 years ago, states in the first chapter, "...ויאמר אלהים נעשה אדם בצלמנו כדמותנו..." *"And God said: 'Let us make man in our image, after our likeness...'"* (Genesis 1:26). In describing the Laws of Equity, Humanity and Kindness, the Torah's most elemental precept regarding conduct toward one's fellow man is found right at the beginning. All people are made in God's image and treating employees with the dignity that befits their humanity is a biblical injunction.

More specific statements are: "לא-תעשק שכיר עני ואביון מאחיך או מגרך אשר בארצך בשעריך:" *"You shall not oppress a hired servant who is poor and needy, whether he be of your brothers, or of foreigners who are in your land within your gates."* (Deuteronomy 24:14). In Rabbinic law, the rules regulating the relationship between an employer and employee are based on the principle that the two are as kinsmen. It is written: "לא-תרדה בו בפרך ויראת מאלהיך:" *"Thou shalt not rule over him with rigour; but shalt fear thy God."* (Leviticus 25:43). One of the first and most important labor laws, "זכור את-יום השבת לקדשו:" *"Remember the Sabbath day to keep it holy,"* (Genesis 20:8) is the commandment to observe the Sabbath as a day of rest. In recent years it has been recognized that the two-day weekend, which is a creation of the labor movement when one rests from one's labors, has echoes of the original day of rest.

Talmudic or Oral Law was codified approximately 1,500 years ago. It also weighs in tenaciously on Labor issues. Baba Metzia Section 77 of the Babylonian Talmud states that 'the workers [always] have the advantage.' It is written that any wages for contracted work spanning more than one day must be paid the day that the contracted period of labor ends (Baba Metzia 110b, Babylonian Talmud). Work must be paid in currency, even though other debts can be paid in-kind (Baba Metzia 118a). Employers must pay workers suffering a sickness or bereavement (Baba Metzia 77a). Employers must provide for forms of sick pay, disability pay, and unemployment compensation for workers who become ill. Even for up to one half of their contracted period of labor they are entitled to receive their full salary for the job (Kiddushin 17a). Employers must set reasonable work hours (Baba Metzia 83b). Workers who are injured on the job when the employer is negligent are entitled to compensation (Tosefta Baba Metzia 7:10). If a laborer is laid off while a labor contract is in effect and the laborer finds a lower paying job, the worker can ask for the difference in wages from the first employer (Chosen Mishpat, 333.2). If the worker cannot find a job of comparable difficulty at the same pay, the worker is entitled to an 'idle wage' of one half of the normal wage (Baba Metzia 76b).

On July 27th several Jewish community groups, mostly from Chicago and Minneapolis, organized a protest march at the Agriprocessors plant in Postville, Iowa. The groups were demonstrating against

Agriprocessor's treatment of their workers and the May Immigration and Customs Enforcement Agency's raid of the plant where 400 workers were detained and deported and no action was taken against the plant owners, who were complicit in the illegal immigration activity. The number of protesters was estimated at between 1,000 to 1,500 people, and the event was widely covered in the national and local press. In response to the animated demonstrators in front of their Iowa plant, the owners sent out Getzel Rubashkin to speak with the March leaders and the press. Twenty-four year old Getzel is a grandson of Aaron Rubashkin, the owner of Agriprocessors. Getzel proceeded to insist that the company pays and treats their workers well, that they were unaware of any employees violating immigration laws prior to the raid, and that he takes no moral position on the immigration issue because, "*It's a business.*"

Getzel and his family's 'it's-a-business' perspective is not inconsistent with that of many American for-profit organizations. For example, the world's largest corporation, Wal-Mart, which employs more than 1.5 million people, is notorious for a plethora of worker justice violations. The abuses have been well documented by the popular press. They include, a failure to pay workers when they missed all or part of their lunch or rest breaks; routinely requiring employees to work "off the clock" for no pay before and after shifts; having managers falsify time sheets to show that breaks were taken; having managers regularly engaged in the "one-minute punch" practice, depriving workers of pay for entire shifts; paying women less than men for the same jobs; denying bathroom breaks; and locking cleaning people inside stores overnight. This is a partial list.

During the Great Migration, which began more than a century ago, Jewish immigrants came to America in order to escape Eastern Europe's pogroms. Jewish shoemakers, apparel workers, butchers, bakers and trades people from a variety of craft industries filled Eastern and rust belt cities and their numerous factory jobs. In addition to bringing a tradition of hard work, they brought their Jewish perspectives on social and worker justice. These traditions were at the core of the organized labor movement in America.

From its earliest days, the U.S. labor movement has had deep roots in America's Jewish population. The Jewish Community has been broadly supportive of worker rights, even as it evolved from a predominantly working-class community in the first part of the twentieth century to a predominantly professional and entrepreneurial community today. The support comes from many sources, including a collective memory of a period of mass immigration, when Jewish workers toiled in difficult and often desperate conditions in the garment industry, and from the social justice imperative that is so important to Judaism.

Samuel Gompers helped organize the American Federation of Labor (AFL) in 1886. He was the AFL's first president, which is the position he held for 40 years. Gompers was born in 1850 into a Jewish family of Dutch ancestry in London. Throughout his years as a national – and international -- labor leader, he was committed to trade unionism as essential for bringing about social reform. Sidney Hillman was another early leader of the U.S. labor movement. Hillman was founder of the Amalgamated Clothing Workers (now UNITE-HERE) and its president from 1914-1946. Born in Lithuania in 1887, Hillman left home at 14 to attend rabbinical school. As a result of Czarist persecution, Hillman fled the country, immigrating to Chicago in 1907. Hillman began work as a cutter at garment manufacturer Hart, Schaffner and Marx. There he met his future wife, Bessie Abramowitz, one of the leaders of a 1910 strike. In 1937, Hillman was among the founders of the Congress of Industrial Organizations (CIO). He was elected the CIO's first vice-president. David Dubinsky was born in 1892 in Brest-Litovsk, Poland. Working as a baker in his father's shop at age 14

he joined the bakers' section of General Union of Jewish Workers covering Lithuania, Poland and Russia, known as the Jewish Labor Bund. Dubinsky was arrested for his activism by Czarist authorities. He later escaped and reached the United States in 1911. Dubinsky became a cloak cutter in New York and joined the International Ladies' Garment Workers' Union (ILGWU). He served as ILGWU president from 1932 until his retirement in 1966.

The success and the effectiveness of the ILGWU were assured by a number of Jewish women activists. These included Clara Lemlich, who helped catalyze a massive 1909 strike by women's garment shop workers. The strike by the 20,000 shirtwaist makers resulted in better worker treatment. Fannia Cohn was elected vice president of the ILGWU in 1916—the first woman to hold high union office. Rose Schneiderman, a garment worker activist, served as president of the Women's Trade Union League for 30 years.

The worker cause was also advanced by Louis Brandeis. Brandeis, known as 'The People's Lawyer,' was born to German-Jewish immigrants in Louisville, KY. In 1908, he successfully argued a ground-breaking Supreme Court case permitting states to enact laws restricting working hours and paying a minimum wage. Prior to this decision, the employer/employee relationship was viewed as a contract where the worker had no rights beyond the arrangement to be paid for specific work or hours provided. Employers were free to make any demands they deemed appropriate because 'it's-a-business.'

Over the past quarter century of right-wing leaning administrations, labor progress has been significantly eroded on the basis of the 'it's-a-business' penchant. The 'it's-a-business' ethic which encourages greed and self-interest is completely anathema to Jewish values as they are manifestly delineated in the Torah. Worker and social justice are as much a part of the Jewish experience as the Matzo Ball. Jewish employers and professional people need to embrace the cause of justice and community in the same manner that others have adhered to the 'it's-a-business' article of faith.