

● AGRICULTURAL LABOR RELATIONS ACT OF 1975

STATUTORY CITATION: Cal. Lab. Code §§ 1140–1166.3

GENERAL SUMMARY: Declaring it a matter of public policy to encourage and protect the right of agricultural employees to organize freely and to negotiate the terms and conditions of their employment without interference, restraint or coercion, the Agricultural Labor Relations Act establishes a state-administered mechanism to assure the exercise of collective bargaining rights by the state's farmworkers. The Act enumerates the rights of agricultural employees, defines various unfair labor practices, outlines the process under which representation elections may be petitioned and under which such elections must be conducted, and prescribes measures for preventing unfair labor practices and enforcing compliance.

SPECIFIC TERMS AND CONDITIONS

WORKERS' RIGHTS — Agricultural employees have the right to self-organize, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. Workers also have the right to refrain from any or all such activities, except to the extent that this right may be affected by a valid agreement requiring membership in a labor organization as a condition of continued employment.

UNFAIR LABOR PRACTICES BY EMPLOYERS — Among other prohibited acts, it is unlawful for an agricultural employer (1) to interfere with or coerce agricultural employees in the exercise of the rights listed above, (2) to dominate or interfere with the formation or operation of a labor organization, or contribute support to it, (3) to encourage or discourage membership in any labor organization by discrimination in hiring or setting terms and conditions of employment, (4) to fire or otherwise discriminate against a worker in retaliation for the worker's having filed charges or given testimony under the Act, (5) to refuse to negotiate in good faith with a labor organization that has been certified as the exclusive representative of the workers for collective bargaining purposes, or (6) to recognize, bargain with or sign a collective bargaining agreement with any labor organization not certified as the representative of the workers.

UNFAIR LABOR PRACTICES BY LABOR ORGANIZATIONS — Among other prohibited acts, it is unlawful for a labor organization or its agents (1) to interfere with agricultural employees in the exercise of the rights outlined above, or to interfere with employers in the selection of their collective bargaining representatives, (2) to engage in or promote discrimination against employees for reasons related to their membership or non-membership in a labor organization, (3) to refuse to bargain in good faith with an agricultural employer whose employees the labor organization is certified to represent, or (4) to engage in certain types of strikes, picketing and boycotts.

ELECTIONS — Any agricultural employee or group of employees, or any person or labor organization acting in their behalf, may file a petition with the state administering agency requesting an election for the purpose of determining the workers' wishes with regard to union representation, provided (1) the petition is signed by, or accompanied by authorization cards signed by, a majority of the current employees in the bargaining unit, (2) the number of agricultural workers currently employed is not less than 50 percent of the employer's peak agricultural employment for the current calendar year, (3) no election has been conducted among the employer's workers within the most recent 12 months, (4) no labor organization is currently certified as the workers' representative, and (5) the petition is not barred by an existing collective bargaining agreement. If the Board's investigation determines that a bona fide question of representation exists, the Board must arrange for a secret-ballot election within 7 days of the filing of the petition (or, if possible, within 48 hours if the majority of the workers are on strike). Any other labor organization that presents authorization cards signed by at least 20 percent of the workers in the bargaining unit within 24 hours of the election must also appear on the ballot. Except in the case of runoff elections between competing unions, employees must be given an opportunity to vote against being represented by a labor organization at all.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Agricultural Labor Relations Board, Sacramento, California 95814 (800-449-3699)*. The Board is responsible for determining the appropriate unit or units of agricultural employees among which each secret ballot election will be held, for conducting such elections, and for monitoring compliance with the unfair labor practice provisions of the Act. The Board must respond to all complaints of unfair labor practices, through investigation and hearing. In conducting these functions, the Board and its agents have the right of free access to all workplaces and the right to subpoena witnesses and documents.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.