

Louisiana

● AGRICULTURAL LABORERS' RIGHT TO WORK LAW

STATUTORY CITATION: La. Rev. Stat. §§ 23:881 – 23:889

GENERAL SUMMARY: The Agricultural Laborers' Right To Work Law affirms certain labor rights applicable to farmworkers in Louisiana and prohibits agreements and practices which abridge those rights.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — No agricultural worker in Louisiana may be required by an employer to refrain from joining a labor union or labor organization as a condition of hiring or continued employment. At the same time, no farmworker may be required to become or remain a member of a labor union, or to pay union dues or similar assessments to a labor organization, as a condition of hiring or continued employment.

ILLEGAL AGREEMENTS — Any agreement, understanding or practice which has the effect of either prohibiting or compelling union membership as a condition of hiring or continued employment is declared illegal and contrary to public policy.

COLLECTIVE BARGAINING RIGHTS — The provisions summarized above may not be construed to deny or abridge the right of agricultural laborers by and through a labor organization or labor union to bargain collectively with their employer.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – These provisions are enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — An agricultural worker who is denied employment or fired because of membership or non-membership in a labor union or labor organization is entitled to recover damages in a private civil suit against the employer or labor organization responsible for the violation. Likewise, any labor union or employer injured as a result of a violation or threatened violation of any of these provisions is entitled to injunctive relief against the party or parties committing or threatening a violation.

○ STATE LABOR LAWS (*STRIKEBREAKING ACTIVITIES*)

STATUTORY CITATION: La. Rev. Stat. §§ 23:900 – 23:904

GENERAL SUMMARY: It is generally unlawful for any person, firm or corporation which is not directly involved in a labor strike or lockout to hire or recruit any worker for a job, or to secure or offer to secure work for any worker, when the purpose or effect of such action is to have the worker take the place of a striking employee at a job site where a strike or lockout exists. It is likewise unlawful for a party not directly involved in a strike or lockout to import or transport anyone into Louisiana for the purpose of supplanting a striking worker at the site of a strike or lockout.

PROVISIONS APPLICABLE TO AGRICULTURE: The prohibition against strikebreaking activity **does not apply** to farming, agricultural pursuits, or the handling or primary processing of perishable raw agricultural commodities, or to those engaged therein.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – These provisions are enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Minnesota

○ MINNESOTA LABOR UNION DEMOCRACY ACT

STATUTORY CITATION: Minn. Stat. §§ 179.18 – 179.25

GENERAL SUMMARY: The Labor Union Democracy Act imposes conditions, limitations and procedures for the election of labor union officers, including requirements for advance notice of elections, voting by secret ballot, and four-year term limits. The law also sets general standards for the reporting of financial receipts, disbursements, assets and liabilities to the union membership.

PROVISIONS APPLICABLE TO AGRICULTURE: The Minnesota Labor Union Democracy Act **does not apply** to individuals employed in agricultural labor.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Minnesota Bureau of Mediation Services, St. Paul, Minnesota 55108.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Jersey

● **STRIKEBREAKERS ACT**

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:13C-1 – 34:13C-6

GENERAL SUMMARY: It is illegal for any person, firm or corporation to import or supply anyone from outside New Jersey, or to transport anyone within the state, with the objective of (1) replacing workers who are lawfully on strike or who have been locked out, (2) interfering with or intimidating workers who are picketing an employer or engaged in other lawful activities in support of a strike, or (3) interfering with the right of workers to form, join or assist labor organizations or to engage in collective bargaining with their employers.

PROVISIONS APPLICABLE TO AGRICULTURE: With the exception of common carriers, these provisions apply to all employment in the state, implicitly including agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – The Strikebreakers Act is enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Oklahoma

● MISCELLANEOUS LABOR LAWS (*RECRUITMENT AND EMPLOYMENT OF STRIKEBREAKERS*)

STATUTORY CITATION: Okla. Stat. Title 40, §§ 199.1 - 199.4

GENERAL SUMMARY: In general, it is a misdemeanor for any person, firm, agency or other entity to knowingly recruit, supply or refer any worker to a job vacated by an employee on strike or locked out, when such worker has customarily and repeatedly offered to take the place of employees involved in strikes or lockouts. It is similarly unlawful for such a worker to take or offer to take the place of employees involved in a strike or lockout. Likewise, no one may recruit, solicit or advertise for workers, or refer workers to employment, in place of striking or locked-out employees without giving adequate notice of the existence of a strike or lockout at the workplace, and advising that the job offer is for the purpose of replacing striking or locked-out employees.

PROVISIONS APPLICABLE TO AGRICULTURE: The anti-strikebreaking provisions apply to agricultural employment to the same extent as employment in non-agricultural industries.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Wage and Hour Unit, Oklahoma Department of Labor, Oklahoma City, Oklahoma 73105 (405-521-6598). The Department is authorized to investigate and refer complaints charging violation of the strikebreaking provisions to local district attorneys for criminal prosecution. A violation is punishable by a fine of from \$500 to \$2,500, a jail term of from 60 days to one year, or both.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Washington

● MISCELLANEOUS LABOR LAWS (*STRIKEBREAKING*)

STATUTORY CITATION: Wash. Rev. Code § 49.44.100

GENERAL SUMMARY: It is generally illegal for any person, firm or corporation not directly involved in a strike or lockout to recruit or offer employment to individuals from outside the state, and to bring them into Washington, when the purpose of such activities is to replace workers who are on strike or subject to a lockout, or to have the individuals act as pickets where a labor dispute is in progress.

PROVISIONS APPLICABLE TO AGRICULTURE: This provision applies irrespective of the nature of the employment involved in the dispute or the occupational classification of the workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321). The Department has general authority to investigate reported and suspected non-compliance with the state labor laws and to refer cases to local and state prosecuting attorneys for legal action. Violation of the strikebreaking provision is deemed a gross misdemeanor.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Wisconsin

● **GENERAL LABOR LAWS (*RECRUITMENT OF STRIKEBREAKERS*)**

STATUTORY CITATION: Wis. Stat. § 103.545

GENERAL SUMMARY: Chapter 103 of the state statutes contains provisions prohibiting the recruitment of strikebreakers, generally defined as anyone who at least twice during the previous 12-month period has accepted employment for the duration of a strike or lockout in place of employees involved in the dispute. These provisions apply to both agricultural and non-agricultural employment.

SPECIFIC TERMS AND CONDITIONS: No employer may knowingly employ or contract with another party to employ any strikebreaker to replace employees who are on strike against or locked out by the employer. Likewise, no one who is not directly involved in a strike or lockout may recruit a strikebreaker for employment when the purpose of such activity is to have the strikebreaker replace an employee in an industry or establishment where a strike or lockout is in progress. It is also illegal for anyone to transport or arrange to transport any strikebreaker to Wisconsin for employment in an establishment affected by a strike or lockout.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-6860). A worker adversely affected by an apparent violation of these provisions may submit a complaint to the Department, which has authority to investigate and issue orders to enforce compliance. The statute provides for a criminal fine, imprisonment or both such penalties for a violation of this provision.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.