

# **Agricultural Labor Relations Act**

## **Agricultural Workers' Rights Under the Agricultural Labor Relations Act**

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### **YOU ALWAYS HAVE THE RIGHT TO:**

- Meet with your employer on behalf of yourself and fellow workers to try to change your wages and working conditions where there is no union representation.
- Exercise any of the rights which the Agricultural Labor Relations Act (Act) gives you without fear that your employer will fire you, refuse to rehire or discriminate against you in any other manner.
- Engage in union activities or refuse to engage in union activities.
- Wear union buttons or other union symbols at work.
- Discuss union matters during breaks, lunch, or before or after work, even while on the employer's property.
- File a complaint with the Agricultural Labor Relations Board (ALRB), testify at an ALRB hearing, or give a statement or declaration to an official of the ALRB.
- Refuse to answer whether or not you support a union or about your union activities.

### **YOUR RIGHTS BEFORE AN ELECTION**

*In addition to the basic rights which you always have, you also have the right to:*

- Sign an authorization card for a union or refuse to sign the card.
- Circulate and sign, or refuse to sign, a petition to support, change, or remove a union.
- Meet at the work place with organizers from any union or refuse to meet with the organizers.
- Pass out literature to persuade your coworkers to vote for or against any union.
- Openly express your opinion for or against any union or company.
- Be free from being observed or listened to by your employer or supervisor while engaging in any of the activities described above as long as you do not disturb work.

- Vote in secret for or against unions.
- Exercise these rights whether a union is seeking to represent you for the first time, whether a rival union is asking to replace your present union, or whether you or your fellow workers are trying to remove your representative.

## **YOUR RIGHTS AFTER AN ELECTION**

Following an election in which a majority of your fellow employees voted for a union, and the ALRB certifies the election, negotiations for a collective bargaining contract can begin.

- Both your union and your employer must make an honest and sincere effort to reach agreement covering wages, hours, and other terms and conditions of employment.
- Under appropriate circumstances, your union representative may be able to meet with you at your work place to discuss bargaining proposals and other work related matters.
- It is unlawful for your employer to make changes in your wages, hours and other working conditions without first notifying and consulting with your bargaining representative and giving the union an opportunity to bargain about the proposed changes before putting them into effect.
- A union selected by the employees in an ALRB election may not be removed except by the employees themselves, either by voting in another election to oust the union, or by voting to elect a different bargaining agent.
- Your union has a duty to represent you fairly.

## **HOW TO PROTECT YOUR RIGHTS**

*No employer or union can prevent you from exercising your rights.*

- If you believe any of your rights have been violated, either by a union or an employer, you have the right to file an unfair labor practice charge in the nearest ALRB office (see back panel).
- To help the ALRB field agent investigate your charge, you should provide your name and an address or phone number where you can be reached at all times.
- You should bring to the ALRB any information for any witnesses involved in the charge.

- If the Regional Director issues a complaint on a charge that you lost your job, or were not hired or rehired, you need to keep a record of your search for other work as well as all earnings from your new work. You will not be able to win back lost wages without this information.

## **AFTER A CHARGE IS FILED**

*After an unfair labor practice charge is filed and investigated:*

- If not settled or dismissed, a complaint is issued against the union or employer.
- Farm workers who file charges will be represented by the General Counsel at the hearing before an Administrative Law Judge (ALJ).
- If the ALJ decides the Act has not been violated, the case is dismissed.
- If the ALJ finds a violation, a remedy is recommended.
- The ALJ's decision can be appealed to the Board.
- The Board's decision can be appealed to the courts.
- If the decision is upheld for the farm worker, the Board enforces the remedy which might be:
  - Returning the worker to the job;
  - Getting back lost wages;
  - Ordering the union and the employer to bargain in good faith.

## **THE MISSION OF THE ALRB**

The Agricultural Labor Relations Act (ALRA or Act) was enacted for the purpose of providing a process for the peaceful and orderly resolution of agricultural labor disputes. The ALRB believes that the resolution of disputes at the earliest stages best serves both labor and growers.