

Agricultural Labor Relations Act

Employee Questions & Answers

RIGHTS AND RESPONSIBILITIES DURING AN ORGANIZING CAMPAIGN

What is an Organizing Campaign?

Under the Agricultural Labor Relations Act (Act), farm workers have the right to elect a representative to negotiate on their behalf with their employer about wages, hours and working conditions. By casting individual ballots in a secret ballot election, farm workers choose whether or not they want a union to represent them in bargaining with their employer. The organizing campaign takes place before the election happens. During the campaign, both the employer and the union share information with workers so they can make an informed choice when they vote in the election.

How Can I Learn About the Union at My Workplace During the Campaign?

You have the right to meet with union organizers, talk to them and ask questions. Before an election takes place, union organizers are allowed to come to your workplace before and after work and during your lunch break to speak with workers. You also have the right not to speak with union representatives if you don't wish to.

What Can I Do if I Want to Support a Union?

You can speak to other workers about why you think a union can help, and try to persuade them to support the union too. You can pass out union leaflets, and wear union buttons or other union symbols. You have the right to do these things while you are at work as long as work activity is not interrupted. You also have the right to distribute and collect authorization cards before and after work and on breaks.

Can My Employer Ask Me Whether or Not I Support the Union?

No. Workers have a right to be free from questions from an employer or his representatives concerning whether or not they support a union or how they intend to vote in the election.

What if I Don't Want to Support a Union?

You have the right to express your opinion by engaging in all the types of activities available to those who support the union. For example, you have the right to speak to other workers about why you don't want a union, hand out flyers, wear buttons, etc. As explained above, you are allowed to do these things at work as long as work activity is not interrupted.

Can My Employer Encourage Me Not to Support a Union?

Yes, your employer may urge you not to support a union, however, your employer may not threaten you, fire you, or change your wages, benefits or working conditions because you have shown support of a union. In addition, it is a violation of the Act for your employer to promise you higher wages, more hours of work or other benefits to induce you to vote against the union in the election.

Can My Employer Watch or Listen if I Talk to Union Representatives or Other Employees About the Union?

No. It is a violation of the Act for your employer or his representatives (such as a supervisor or a foreman) to interfere with, observe, or listen to you while you talk to other workers or union representatives about the union.

Why does my employer give the ALRB a list of workers' names and addresses?

When a union files a form telling your employer that it wishes to start an organizing campaign at your workplace, your employer is required by the Act to give the local ALRB office a list of the names and most recent addresses of all workers. The ALRB Regional Director will check the list to make sure that at least ten percent (10%) of all the workers have signed authorization cards to go with the form. The ALRB keeps the authorization cards *confidential*. The names on the cards will not be given to the employer, the public or another union. If 10% of workers have signed cards, the list will be given to the union. The union may obtain this list no more than four times in one year. The union may use the list to contact all workers to give them information about the union. The information can help workers make an informed choice when they vote in the election. As explained above, workers who do not wish to speak to union organizers in the workplace, at home or in other locations, may decline to do so.

What Are Some Key Rights of Workers During an Organizing Campaign?

Workers have the right to:

- Sign a petition or authorization card requesting that the ALRB conduct an election (an authorization card allows the union to act on a worker's behalf to ask for an election).

- Circulate petition or authorization cards at the work site before or after work or during breaks.
- Meet with union organizers at the work site before and after work and during the lunch break to discuss the union.
- Discuss union matters or try to persuade coworkers to vote for or against the union at the work site (so long as work activity is not disrupted).
- Wear union buttons or other union symbols at work.
- Be free from surveillance (observation) by the employer or a supervisor or foreman while speaking about union matters.
- Be free from questioning by an employer about whether the workers support a union.
- Not participate in the campaign or not talk to union organizers if they don't wish to.

Examples of Prohibited Activity By Union Organizers During an Organizing Campaign:

- Threatening workers with force or violence for refusing to support the union.
- Threatening workers with force or violence for refusing to sign authorization cards.
- Threatening workers with force or violence for campaigning against the union.
- Threatening workers with arrest, deportation or loss of work if they don't support the union.

Examples of Prohibited Activity by Employers During an Organizing Campaign:

- Threatening to discipline or fire employees if they vote for a union, or if they engage in union organizing activities.
- Disciplining or discriminating against employees who have shown support of union.
- Questioning employees about whether they support the union.
- Watching, photographing or listening to employees while they are speaking to union organizers or other employees about the union.
- Prohibiting employees from engaging in union activities during lunch breaks or before or after work.
- Prohibiting employees from wearing union buttons or insignia while at work.
- Denying access to non employee union organizers during the periods established by the ALRB's access regulations.
- Threatening to reduce wages or benefits if the union wins the election.
- Promising increases in wages or benefits or providing other inducements for employees to vote against the union.

See the brochure on Elections for more information.