

# **Agricultural Labor Relations Act**

## **Employee Questions & Answers**

### **WHAT HAPPENS WHEN A UNION WINS AN ELECTION?**

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#### **What does it mean when a union wins an election?**

After an election in which a majority of your fellow workers voted for a union, the union will be certified by the Agricultural Labor Relations Board (ALRB) as the **exclusive representative** of the employees at your place of employment.

#### **What does it mean to be an exclusive representative ?**

When the ALRB certifies a union as the winner in an election, the union can begin to negotiate with your employer for a contract covering wages, hours and other terms and conditions of your employment. Your employer must negotiate with the union regarding all farm workers at your workplace, even those who did not vote for the union. Only that union may represent you in your dealings with your employer.

#### **Does this mean I cannot talk with my employer if I have any problems?**

No. If you have any problems with your employer, you still have the right to ask your employer to correct them. However, the union must be given the opportunity to have a representative present when you and the employer try to resolve the problem. The problem must be resolved in such a way that is consistent with any contract between the union and your employer.

#### **Will union representatives meet with me and other workers to discuss work related matters after the election?**

Yes. Also, under appropriate circumstances, union representatives may be able to meet with you at your work place to discuss work related matters.

#### **What are some things an employer cannot do after a union is certified?**

Once a union is certified, your employer cannot make any changes in the terms and conditions of your employment without telling the union and giving them an opportunity to bargain over making any changes. For example, if your employer wanted to change the piece-rate after certification, it could not do so unless it gave the union a chance to bargain over the change. If the union and the employer do bargain in good faith and they cannot reach any agreement, your employer could then be permitted to change the piece rate.

### **How does a union negotiate a contract?**

After a union is certified, it usually requests that representatives from the union and the employer meet in order to negotiate a contract covering wages, hours and other terms and conditions of employment.

### **What must my employer do after the union requests bargaining?**

Under the Agricultural Labor Relations Act, both your employer and the union that represents you have an obligation to bargain **in good faith** to reach an agreement. This means that both sides must make an honest, sincere effort to reach an agreement. Unions and employers may request information from each other and must be available to meet at reasonable times and places in order to try to reach agreement.

### **What are some other examples of the duty to bargain in good faith?**

Under the duty to bargain in good faith, both sides have an obligation to:

- Make an honest and sincere effort to reach an agreement,
- Meet at reasonable times and places,
- Discuss **mandatory subjects** of bargaining. This means wages, hours, working conditions, pensions, bonuses, worker safety, insurance, seniority, grievance procedures, discipline, layoffs, etc.

### **What if my employer refuses to meet with union representatives?**

It is an unfair labor practice under the Agricultural Labor Relations Act (Act) for an employer to refuse to meet with or bargain in good faith with a union that has been certified by the ALRB. If your employer refuses to meet with the union or does not bargain in good faith, then an unfair labor charge may be filed against the employer.

### **Can my employer bargain with another union?**

No. It is also an unfair labor practice for your employer to recognize or bargain with or sign a contract with a union that has *not* been certified through an ALRB election.

### **Does my employer have to enter into a contract with a union?**

No. The Act only requires your employer to bargain in good faith with the union in an attempt to reach agreement. Neither side is obligated to accept the proposals of the other side

### **What happens when the union and my employer reach an agreement?**

When the parties reach an agreement, they must sign the contract and it becomes legally binding. That means both parties are obligated to follow the terms of the contract, and the contract can be enforced by either party.

## What happens if the union and my employer do not reach an agreement?

If there is no agreement reached, and the parties have bargained in good faith, there is no violation of the Act. However, the employer still has a duty to bargain with the union if the union requests further bargaining.

## What is the duty of fair representation?

This means that the union must represent each worker fairly when it is negotiating with the employer or enforcing the contract. Sometimes the union may make choices that all workers do not agree with, however; the choices are legal as long as they are made in good faith, and are not arbitrary or discriminatory.

## What if some of my fellow workers and I decide we do not want union representation?

Once a union is selected by a majority of workers in an ALRB election, it bargains for all workers, even those who may not want the union. However, it is possible for the union to be removed by the workers themselves, either by voting in another election to *decertify* or remove the union, or by voting to elect a different union (called a *rival* union). In order for a decertification or rival union election to be held, workers must submit a written application (a petition) to the ALRB. A decertification petition must be signed by at least thirty percent (30%) of the workers if there is currently a union contract that will expire within the next 12 months, or by fifty percent (50%) of the workers if there is no contract. A rival union election petition must be signed by fifty percent (50%) of the workers. A decertification petition cannot be initiated by an employer or its representatives.

**Note:** The Board will **not** hold an election if any of the three following conditions exist:

1. A valid election was held in the preceding 12 months, or
2. A union has been certified within the preceding 12 months (or the certification has been extended), or
3. There is a collective bargaining agreement between the employer and the union.