



News Release

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California Fights to Preserve Essential Farmworker Labor Protection at the U.S. Supreme Court

SACRAMENTO, Calif. – The California Agricultural Labor Relations Board (ALRB) is scheduled Monday to defend against a challenge to the state’s 45-year-old access regulation, a vital tool that empowers farmworkers to learn about their organizing rights.

“Workers need information about their labor rights in order to decide when they need to assert them,” said ALRB Chair Victoria Hassid. “When workers have information about their basic labor rights and are able to organize, they earn higher wages and have better and safer working conditions, which are especially crucial for essential farmworkers. This benefits all Californians, who rely on farmworkers to get food to their markets and on their tables. The petitioners’ extreme legal theory, if adopted, could threaten not only workers’ rights, but regulatory policies across the country supporting consumer protections, civil rights, public health, and child welfare.”

California’s access regulation ensures that farmworkers are informed about their labor rights while also respecting employers’ property rights. It allows union representatives limited and brief access to farms during nonwork hours to meet with workers and inform them of their workplace rights, including the right to organize. The regulation is a critical part of California’s landmark Agricultural Labor Relations Act (ALRA), the most comprehensive labor rights law for farmworkers in the country, and includes a well-established, clear process for union access to farmworkers in the fields where they work. The regulation serves a critical purpose by allowing unions face-to-face contact with farmworkers — a necessary means of informing this increasingly vulnerable community of their right to collectively organize. Farmworkers face persistent harsh living and working conditions, and the need is greater than ever for effective means of informing them of their rights.

Two California agricultural employers, Cedar Point Nursery and Fowler Packing Company, Inc., allege that the regulation takes their property without just compensation in violation of the Fifth Amendment.

A diverse coalition of United States Senators, 17 states, the District of Columbia, and numerous counties, cities, labor organizations, worker advocacy groups, religious leaders and constitutional scholars filed friend-of-the-court briefs in support of the regulation last month. Additionally, the Acting United States Solicitor General withdrew the brief previously filed by the Trump Administration, which had effectively supported the growers' position and was at odds with the federal government's longstanding position on takings jurisprudence.

Procedural History

The United States District Court for the Eastern District of California dismissed the growers' complaint. A divided panel of the Ninth Circuit affirmed. (*Cedar Point Nursery v. Shiroma*, 923 F.3d 524 (9th Cir. 2019).) The Ninth Circuit subsequently denied a petition for rehearing en banc, with eight judges dissenting. (*Cedar Point Nursery v. Shiroma*, 956 F.3d 1162 (9th Cir. 2020).) The growers then filed a petition for writ of certiorari in the United States Supreme Court, which the Court granted.

The California Supreme Court rejected a similar attempt to invalidate the regulation shortly after its adoption in 1975. (*ALRB v. Superior Court (Pandol & Sons)*, 16 Cal.3d 392 (1976).)

Background Information on the ALRB and ALRA

The ALRB protects the rights of agricultural employees to engage in collective action, with or without a labor union, to improve their wages and other terms and conditions of employment. Agricultural employees or others acting on their behalf may file unfair labor practice charges with the ALRB if they believe these rights were violated. Agricultural employers or labor unions also may file unfair labor practice charges if they believe the other has engaged in unlawful conduct.

The Agricultural Labor Relations Act was enacted in 1975 to create labor peace in one of California's largest and most critical industries, agriculture. The ALRA is analogous to the National Labor Relations Act (NLRA) and provides a framework for workers to organize themselves and work for their mutual aid and protection. Farmworkers are excluded from protection under the NLRA.

Case Information and Access Regulation Links

The ALRB's brief and friend-of-the-court briefs in support are available on the Supreme Court's online docket for the case: [United States Supreme Court Case Number 20-107, Cedar Point Nursery, et al., Petitioners v. Victoria Hassid, et al.](#)

The access regulation is available at [8 CCR 20900](#).

The ALRB's case information page is available [here](#)

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