



News Release

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California Vows to Preserve Essential Farmworker Labor Protections Despite U.S. Supreme Court Ruling

SACRAMENTO, Calif. – The California Agricultural Labor Relations Board (ALRB) vowed Wednesday it would work to preserve fundamental labor protections for the state’s essential farmworkers despite a ruling by the U.S. Supreme Court holding that the Board’s current access regulation effects a “taking” of property under the Fifth Amendment.

“Forty-six years ago, California led the way in recognizing labor rights for farmworkers and enshrined them in the landmark Agricultural Labor Relations Act. Despite today’s ruling, California will continue to champion these rights for some of our most essential workers. The COVID-19 pandemic has only reinforced how farmworkers need more information, more resources and more protections. Without basic information and basic labor rights, farmworkers who are the backbone of California’s economy will be left behind,” said ALRB Chair Victoria Hassid. “We are committed to developing a process that meets the requirements of the high court’s ruling and continues to protect farmworker rights in light of agriculture’s unique circumstances.”

In 1975 California established an ‘access regulation’, which 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. Two California agricultural employers, Cedar Point Nursery and Fowler Packing Company, Inc., challenged the regulation, alleging that it takes their property without just compensation in violation of the Fifth Amendment.

In a 6-3 opinion authored by Chief Justice Roberts, the Supreme Court concluded the access regulation appropriates the growers’ right to exclude third-parties from their

properties and thus constitutes a per se taking requiring compensation under the Fifth Amendment.

“Farmworkers are an increasingly vulnerable community and often face persistent harsh living and working conditions under agriculture’s unique circumstances,” said Hassid. “The need is greater than ever for effective means of informing them of their rights. 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. We will be considering alternative avenues to protect their fundamental labor rights.”

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 (ALRA) 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 Supreme Court’s opinion is available [here](#).

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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