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FOR IMMEDIATE RELEASE

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## **Agricultural Labor Relations Board Makes First Finding of Non-Bona Fide Labor Organization for Cannabis Labor Peace Requirements**

SACRAMENTO, Calif. – The California Agricultural Labor Relations Board (ALRB) issued its first [decision](#) regarding whether a labor organization is “bona fide” for purposes of cannabis licensure. The Board found that Professional Technical Union, Local 33 (Pro-Tech 33) was in fact not bona fide under the state’s labor peace agreement requirements for licensure. The ALRB has notified the State’s Department of Cannabis Control (DCC) of its determination. DCC will notify all licensees that have signed labor peace agreements with the same entity and will offer each of those licensees a reasonable time period to enter into a new labor peace agreement with a bona fide labor organization.

Cannabis licensees must comply with labor peace agreement requirements, which aim to ensure workers have an opportunity to learn about their workplace rights and how to exercise them. In 2022 the Legislature authorized the ALRB to review and investigate complaints alleging that a labor organization that is a party to a labor peace agreement is not a “bona fide” labor organization.

As stated in the Board decision, “The aim of ... [this law is] ... not about policing unions but about ensuring workers in an emerging industry have access and obtainable means to learn of and exercise their labor rights if they choose to do so. The real harm of sham labor peace agreements isn’t giving legitimacy to a non-bona fide labor organization, it is depriving workers that may be particularly vulnerable to exploitative practices of their right to be at a minimum aware of their employment rights.”

On March 15, 2023, the International Brotherhood of Teamsters (Teamsters) filed a complaint with the ALRB alleging Three Habitat Consulting Palm Springs LLC dba One Plant Palm Springs (Three Habitat) had entered into a labor peace agreement with a non-bona fide labor organization, Pro-Tech 33.

On July 6, 2023, the Board issued a decision finding that Pro-Tech 33 was in fact not bona fide for purposes of the MAUCRSA’s labor peace agreements requirements, making the LPA between Pro-Tech 33 and Three Habitat immediately null and void. Among other factors, the Board relied on Pro-Tech 33’s lack of contact with Three Habitat’s employees; its lack of visible presence or organizing activity in California, including a lack of available information and resources for employees; and its refusal to respond to certain Board inquiries as reasons for its determination.

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Cannabis licensees can learn more about state labor peace agreement requirements at the Department of Cannabis Control [website](#).

### **Complaints regarding non “bona fide labor organizations”**

Any current or former employee of a cannabis licensee, as well as any labor organization, may submit a complaint to the ALRB alleging that an organization with which a cannabis licensee has entered into a labor peace agreement is not a bona fide labor organization. To submit such a complaint, please e-mail [LaborPeaceAgreementComplaints@alrb.ca.gov](mailto:LaborPeaceAgreementComplaints@alrb.ca.gov).

### **Complaints regarding labor peace agreements**

Any current or former employee of a cannabis licensee, as well as any labor organization, may submit a complaint to the DCC regarding the licensee’s failure to comply with a labor peace agreement. To submit such a complaint, please e-mail [complaints@cannabis.ca.gov](mailto:complaints@cannabis.ca.gov). Please include the phrase “LPA complaint” in the subject line and provide as much documentation as possible to support your complaint.

### **Background Information on the ALRB and the Agricultural Labor Relations Act (ALRA)**

The ALRB protects the rights of agricultural employees under the ALRA 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. A cannabis employer’s violation of labor peace agreement requirements may be an unfair labor practice.

The ALRA was enacted in 1975 to create labor peace in one of California’s largest and most critical industries, agriculture. The ALRA protects the organizational rights of agricultural employees and governs labor relations between agricultural employers and labor organizations. The ALRA is generally 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. The ALRB enforces the ALRA.

More information about the ALRB and ALRA is available on the ALRB’s [website](#). For information about how to file unfair labor practice charges with the ALRB, please contact one of the ALRB’s [Regional Offices](#).

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