

Controversy surrounds strawberry workers

Over the past 2 years, the United Farm Workers (UFW) union has conducted its most vigorous organizing campaign in at least a decade. The UFW has focused efforts in the strawberry industry along the Central Coast and particularly at Coastal Berry Corporation, Inc., of Watsonville, one of the state's largest strawberry growers. Until recently, the firm was owned by Gargiulo, a subsidiary of the Monsanto Company. On June 16, Coastal Berry announced its purchase by Washington, D.C. investors Landon Butler and David Gladstone.

On June 17, a press release issued by AFL-CIO, United Farm Workers, Monsanto and Gargiulo reported that an agreement among them had "stipulated that any buyer would honor the results of the union representation election" and further noted that "the agreement is intended to result in the scheduling of a supervised election consistent with the California Agricultural Labor Relations Act as soon as practical . . ." It also stated that "Gargiulo's former berry workers are guaranteed the right to make an informed choice on union representation in a free and fair election by secret ballot."

Some grower groups have charged these statements constitute an unfair labor practice. In charges filed at the Salinas regional office of the state Agricultural Labor Relations Board (ALRB), Western Growers Association and others contend that Coastal Berry and the UFW, by omitting mention in the announcements that employees have a right to choose not to be represented by a union, "restrained, coerced and intimidated workers."

The ALRB is investigating the charge. If the ALRB decides after investigation that the allegations have merit, a complaint will be filed and a hearing will then be conducted before an administrative law judge.

Paul Richardson, general counsel for the ALRB, says the UFW has followed Agricultural Labor Relations Act (ALRA) procedures at Coastal Berry (now B&G Berry) by filing the Notice of Intent to Take Access and the Notice of Intent to Organize. The next step in the election process could be the filing of a Petition for Certification of Representation, which "must show that a majority of the employer's current agricultural employees desire a secret ballot election" to determine whether or not a union will represent them. At press time, the

UFW had not filed this petition.

"The ALRB is the only entity that can legally schedule, conduct, and certify a representation election, and only if a union files this petition," explains Howard Rosenberg, UC Berkeley agricultural labor management specialist, and director of the UC Agricultural Personnel Management Program (APMP).

He notes that knowledge of California's ALRA is critical for both growers and farmworkers. Although the law is 22 years old, its provisions and application are not well understood. "When the law was first put in place, it set off a rush of organizing and elections," Rosenberg says. "But activity under the Act has diminished dramatically since those early years." In the meantime, new people have joined the agricultural work force, including a large number of farm managers who haven't had to deal with the ALRA and have little knowledge about it.

The ALRA gives farmworkers the right to freely choose whether or not to be represented by a union. The Act also spells out a process for resolving farm labor disputes and the process of collective bargaining between employers and farmworkers over issues involving wages, hours and working conditions.

In June the UC program, which conducts education and research to improve labor management in California agriculture, held a seminar in Salinas to help managers, workers and their advocates better understand the Act and issues that currently complicate its application. At the seminar, staff of the state Agricultural Labor Relations Board, the Labor Commissioner's office and attorneys representing grower groups and unions gave presentations and fielded questions about rights and responsibilities of employers, labor organizations, and workers.

— Editor

For details about the seminar and related topics, see the APMP Web site, are.berkeley.edu/APMP/. An educational videotape is being developed from the proceedings of the seminar.



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