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California Ag Labor Board Grants UFW's Request to Void Decertification Election and Destroy Employee Ballots

Gerawan Farming to Appeal Ruling in a Court of Law

The Gerawan family today released the following statement in response to the April 15, 2016 decision by the California Agricultural Labor Relations Board to set aside a November 5, 2013 decertification election at Gerawan Farming:

The Board is spending over \$10 million taxpayer dollars to reach this decision to disenfranchise farmworkers from their legal right to vote on whether or not to decertify a union that failed to represent them. [That amounts to spending more than \\$4,000 to destroy each ballot.](#) This unjust and undemocratic decision disrespects the wishes of thousands of employees who asked for a basic right – the right to vote.

The Board did not find that Gerawan instigated this employee-led campaign to oust the UFW. It did not hold that the election the Board ordered and supervised was flawed. Yet the Board concludes that “it is impossible to know whether the signatures gathered in support of the decertification petition represented the workers’ true sentiments.” On that basis – and two and a half years after ordering that election – the Board decided to set aside the results, and to destroy the ballots. Gerawan believes that these ballots reflect the “true sentiments” of the employees, the majority of whom petitioned for this election.

Thousands of workers expressed their “true sentiments” when they protested, picketed, and walked off the job the first time the Board refused to hold an election. Hundreds of workers went to Sacramento to plead their desire for a vote to the Board and to the Governor.

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The Board is required to presume that secret ballots are the true measure of employee sentiments. That is the essence of labor democracy. The California Constitution guarantees the right to vote and the right to have that vote counted “in an election in accordance with the laws of this State.” The Board’s decision violates that constitutional right.

The Board’s Chairman, William Gould, says that this case does not present “new issues that are different from...thousands of [other] cases.” We disagree. This case is profoundly different for reasons that the Board ignored. Except for the 2013 election whose ballots the Board has decided should be destroyed, there has not been an election at Gerawan for over a quarter-century. Ninety-eight percent of our current employees were not around at that time; some had not even been born yet. During the union’s inexplicable absence, there was no reason for the employees to exercise their right to oust the UFW, because the employees did not even know the union held dominion over them. The Board states that it does not “ignore the fact” that the employees began this decertification campaign. The Board then disregards how its own decisions to impose a forced union contract on the employees started this campaign.

Chairman Gould states that Gerawan’s “rejection of its obligation to bargain...explains all too well what [this case] is about.” Gerawan did not refuse to bargain with the UFW. It has never refused to bargain, and the Board did not hold that Gerawan refused to bargain. The chairman’s misstatement of the facts “explains all too well” the extent to which the Board lost sight of the law and even the basic facts of this case.

The Board accuses Gerawan of becoming a “benevolent champion of its employee’s [sic] rights.” This, says Chairman Gould, is something the Board “cannot permit.” Gerawan believes that a different kind of paternalism is at work here.

Despite Gerawan’s long history of paying the industry’s highest wages and a close relationship with the family company’s employees, the Board claims that it is entitled to “suspicion” as to the motives of Gerawan. But the workers have expressed their suspicion of the motives of this Board, its staff, and the UFW. The agency and union fought this election, and opposed every effort to question the UFW’s legitimacy as the workers’ representative.

In a [speech in January](#), Chairman Gould recognized that union organizing in the fields is “moribund” and “has completely disappeared” and “diminished to the point of non-existence!” He said that since he “been Chairman there has not been one single representation petition filed under a statute which requires certification through a petition in order for a union to be recognized!” Despite that obvious lack of worker interest to join the union, in his decision to destroy the Gerawan employees’ ballots, Chairman Gould claims to be unsure of worker sentiments.

In its decision to destroy the ballots, the Board ignores the desires of workers to determine their own economic future. Chairman Gould justifies the Board’s power to trump worker rights. He insinuates that Gerawan’s employees have become “servile pawns” of “masters,” subjugated to a “tyranny” of their employer. He frames the issue as a parable to the “storm clouds” that “gathered so ominously” in Nazi Germany. He cloaks his decision in the language of democracy, in order to destroy a democratic right.

Gerawan shall appeal this ruling in a court of law. We look forward to our day in court.

Gerawan is confident that this undemocratic decision will not stand. We welcome a new election supervised by Chairman Gould himself. We truly want the workers to have a say since the last time they were asked their opinion was in 1990.

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DOWNLOAD: [Background](#) [ALRB Election Decision](#)