

# The San Diego Union-Tribune.

By Steven Greenhut 02:48p.m. Feb 4, 2015

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## Laborers have no say in their contract

SACRAMENTO — The state is arguing it has the right to impose a contract on a group of Fresno-area farm workers — but the workers have no right to even attend the hearings in which that contract is hammered out. This is one “Alice in Wonderland” scenario in a slow moving and bureaucratic [labor battle](#) that pits workers against a union.

Farm laborers at one of the nation’s largest fruit farms, Gerawan Farming, have been pleading with the [state Agricultural Labor Relations Board](#) — an agency formed, ironically, to give farm workers a voice in their own contracts — to count their votes in a union-certification election held 15 months ago.

The agency refuses to do so and the workers have challenged the [decision through the administrative process and the courts](#). But the administrative process is controlled by officials who, as one judge put it at a hearing last year, [seem to be “in cahoots” with the union](#).

It’s almost certain farm workers voted to decertify the United Farm Workers union, which seems to explain why ALRB doesn’t want to count the ballots. The UFW won an organizing election at the farm in 1990, but Gerawan said it went away, only to reappear three years ago as it sought to bolster its flagging membership. Many workers say they don’t want to give a formerly AWOL union 3 percent of their wages.

In the past, foes of uppity workers sent hooligans to beat them into compliance. By contrast, the UFW and ALRB are wearing down these workers through endless hearings and long, condescending processes to avoid a simple vote tally – presumably because the workers aren’t smart enough to make up their own minds.

The board dismissed the workers' first attempt at an election. Then the workers held an election supervised by the ALRB. But it still insists the farm's owners might have unfairly influenced the vote. ALRB has even filed an "unfair labor practices" action that criticizes Gerawan for, among other things, giving raises to workers without consulting the UFW. The commissioners do this while claiming to commit to a neutral process.

Democratic legislators, who often prattle about the plight of poor, powerless immigrant workers, haven't been any more helpful, although some Republicans tried to intervene. SB 25 would have allowed ALRB to impose the mandatory contract immediately — even while Gerawan appealed the decision in the courts. [The governor vetoed that bill in September.](#)

Allowing the state to impose an unwanted labor contract on workers is bad enough, but the board ruled that such proceedings must be done secretly when it refused to allow one of the workers to attend the mandatory mediation process.

Gerawan [argued in a lawsuit](#) that this violated fundamental constitutional rights — but the court found earlier this year that the labor code stripped it of any jurisdiction.

That's left workers with nothing more than their pleadings — but the ALRB isn't inclined to pay much mind to those, either.

One Gerawan worker who was called to testify in the election matter, asked for permission to speak in December. "(W)e just want you to do justice with us, the workers, because nobody listens to us really ...," she said in her native Spanish.

Responded the administrative law judge: "I don't view any of her last statement as evidence. I'm not considering it as such, but I also felt it would be sort of rude to just sort of cut her off in the middle of it." The ALRB's general counsel argued that "perhaps (the workers are) being coached."

This reminds me of author [C.S. Lewis' famous quotation](#): "The greatest evil is not now done in those sordid 'dens of crime' that Dickens loved to paint. ... But it is conceived and ordered ... in clean, carpeted, warmed and well-lighted offices, by quiet men with white collars and cut fingernails and smooth-shaven cheeks who do not raise their voices."

At the meeting I attended, ALRB officials didn't raise their voices — but there's little question what they're doing to the workers is awful.