



For Immediate Release
October 3, 2013

Contact: Kathy Eide
(559) 269-5222
kathyeide12@att.net

State Dictates Terms of Intrusive Labor Contract on Largest Peach Grower and its Employees

*Neither employer nor employees can opt out. The farm's owners
believe the employees should have the right to vote.*

Fresno, CA — This week a state-empowered decision-maker released his “Mediator’s Report” that may become the contract between Gerawan Farming and the United Farm Workers union. This report sets forth the proposed final terms of a contract that the California Agricultural Labor Relations Board will impose on family-owned fruit grower Gerawan Farming and its 2,600 employees. Neither Gerawan nor its employees can opt out. Employees will not be given a chance to ratify.

This report comes days after the ALRB’s regional director blocked employees’ attempts to hold an election to oust the UFW as the collective bargaining representative of Gerawan’s workers. The employees have asked the ALRB to review that decision and let the election go forward.

This is the first labor contract at the farm where the election took place 23 years ago. After just one negotiation session nearly 20 years ago, the union went away and has never explained why. The employees have been unaware that the union somehow maintained legal dominion over them. The union returned last October and demanded to resume negotiations, as though they had not been absent for nearly 20 years. Very few of the farm’s current employees worked for the company 23 years ago when the one and only election took place, but the union has told those employees they will have to pay 3% of their wages or be fired.

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Gerawan will request review and ask the ALRB to reject the Mediator's Report. Gerawan does not have an automatic right to Board review of the Mediator's Report.

Gerawan asked the Board to stay this compulsory "mediation" process so that it would not interfere with the election. The Board declined that request. Then, yesterday, before Gerawan had seen the Mediator's Report, the UFW issued text messages announcing its release.

Said the farm's co-owner Dan Gerawan, "The so-called ALRB 'Mediator's Report' released this week is not the product of consensual mediation. It is a government-dictated contract. We and our employees were compelled into this process, without our consent, and without the employees' right to accept or reject the terms and conditions that the ALRB will impose on us and thousands of our employees."

This process began when the UFW returned after a near 20-year absence from the bargaining table and demanded that the ALRB impose a contract on us and our employees. If the UFW has its way, the process will end with an order of the ALRB dictating the final terms of a contract drafted by a so-called Mediator. Dan Gerawan said, "This person is a lawyer who doesn't know our company and never visited our orchards or vineyards. But this process allows for a state-empowered decision maker to substitute his or her business judgment in place of ours on how we run our farm."

If imposed, the three-year contract dictated yesterday by the Mediator will:

- Force Gerawan to recognize the UFW as the workers' exclusive bargaining agent.
- Force the employees to recognize the UFW as their bargaining agent.
- Force Gerawan's employees to accept a contract without a ratification vote.

- Force employees to pay 3% of their earnings in union dues or “agency fees” or lose their jobs. The Mediator’s proposed 2.5% wage increase won’t offset the dues forced on the workers.
- Disrupt a cooperative employer-employee relationship forged over decades and based on the highest wages and benefits.
- Dismantle Gerawan’s business model that has allowed it to become the quality leader in the marketplace and the preferred employer in one of the most challenging industries in this state.

Gerawan Farming believes that employees should have the right to vote for their bargaining representative. Gerawan also believes that employees should get to decide the terms of any contract negotiated in their name.

Gerawan will request review of the Mediator’s decision by the Board. There are many details in the Mediator’s proposed contract that are objectionable. But one finding he made is indisputably correct. The Mediator stated: “Undeniably, for a considerable period, the Union has absented itself from acting in any representative capacity for these employees. The election which resulted in its certification occurred so long ago that it is highly unlikely that any members of its current work force participated in it.”

This is why more than 2,000 Gerawan employees now want their voices heard through a democratic vote. The role of the ALRB is to protect workers’ rights. Gerawan asks them today to fulfill their responsibility.

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