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SUMMER 1975

COLLECTIVE BARGAINING FOR CALIFORNIA FARMWORKERS

The Agricultural Labor Relations Act of 1975

"In enacting this legislation the people of the State of California seek to ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations.

This enactment is intended to bring certainty and a sense of fair play to a presently unstable and potentially volatile condition in the state. The Legislature recognizes that no law in itself resolves social injustices and economic dislocations.

However . . . it is the hope of the Legislature that farm laborers, farmers and all the people of California will be served by the provisions of this act." (Section 1 of the Act.)

On June 5, 1975, Governor Edmund G. Brown, Jr. signed into law 3X5B 1, the *Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975*, which is surely destined to be viewed as one of the most far-reaching labor laws enacted in this state. "This is the beginning, not the end," said Governor Brown, who recommended the bill as a national model, calling it an "opportunity for self-determination." The measure, directed at California's 250,000 farm workers, will take effect August 28, 1975. And if the Legislature passes the proposed collective bargaining bill for public employees (discussed in the last issue of this Newsletter), California will have a formal collective bargaining system affecting some 1.5 million workers in the private and public sectors not previously covered by comprehensive protective legislation.

Although efforts to organize California's agricultural labor force began in the Great Depression of the 1930s, it was the intensified struggle of the farm workers in the 1960s and the clash of two labor unions in the early 1970s that set the stage for legislative action. (The United Farm Workers AFL-CIO and the International Brotherhood of Teamsters vied against each other for endorsement and support of both the workers in the fields and their employers—the farmers and the growers. The Teamsters' success in signing contracts with growers who had been brought into the UFW camp by the grape boycotts of the 1960s led to charges of conspiracy and collusion before the California Supreme Court.) Under the decisive leadership of Governor Brown and members of the Legislature, the farm labor bill was passed in the Assembly by a vote of 64 to 10 and in the Senate by a vote of 31 to 7, an overwhelming vote of confidence in a statutory mechanism designed to bring an end to the differences between the parties which have heretofore proved to be irreconcilable.

The new law provides for the establishment of a five-member Agricultural Labor Relations Board to oversee elections and process unfair labor practice charges. The first elections are to be conducted early this fall, prior to two important harvests—the lettuce crops in the Salinas Valley and table grapes in the San Joaquin Valley. The Board's activities will have a major impact on the largest single industry in California, which employs almost a quarter of a million regular farm workers, in addition to another 100,000 workers during the peak harvest season (July-October). Some key provisions of the Act are:

Elections — Petitioning unions are entitled to seek secret ballot elections in broad bargaining units. The Board must hold such elections within 7 days of the filing of petitions (48 hours if a strike is in progress). All ballots, (except in a run-off election) must provide space for a "no union" choice. The law is silent on alternatives if the Board does not hold an election within the 7-day period.

Strikes — Primary strikes and primary picketing by farm workers, as well as publicity picketing by certified unions are authorized "for the purpose of truthfully advising the public, including customers, that a product or products . . . are produced by an agricultural employer with whom the labor organization has a primary dispute." Secondary boycotts, for the most part, are restricted to informational picketing.

Unfair Labor Practices — The law enumerates specific unfair labor practices prohibited on the part of employers and employee organizations. The Board is authorized "to investigate, conduct hearings and make determinations relating to unfair labor practices." The Board is also empowered to prevent unfair labor practices by issuing cease and desist orders, by ordering affirmative action such as reinstatement of employees and restitution of back pay, and by petitioning a superior court for restraining orders.

Contracts — Existing labor contracts between growers and employee organizations concluded prior to August 28, 1975 will remain in effect for the term of the agreement, unless challenged by petition from another labor organization with enough signatures (50 percent of the bargaining unit) seeking a secret ballot election.

Reflecting the historical composition of the agricultural labor force in California, which has a large percentage of

Spanish-speaking workers, as well as the growing awareness, nationwide, of discriminatory practices, some unique aspects of the new law deserve special mention:

(1) "The board shall make available at any election . . . ballots printed in English and Spanish . . . (and) in any other language as may be requested by an agricultural labor organization, or agricultural employee eligible to vote. . . . (1156.3(a)(4))

(2) "The board shall decertify a labor organization if the United States Equal Employment Opportunity Commission has found . . . that the labor organization engaged in discrimination on the basis of race, color, national origin, religion, sex, or any other arbitrary or invidious classification. . . . (1156.3(e))

(3) "In order to assure the full freedom of association, self-organization, and designation of representatives of the employees own choosing, only labor organizations certified pursuant to this part shall be parties to a legally valid collective-bargaining agreement." (1159)

The bill, of course, represents a major compromise between the growers' position of applying the National Labor Relations Act and all its provisions directly to farm workers and that of a worker organization demanding that the law reflect the unique aspects of agricultural work. Several "letters of intent" involving such issues as the agency shop and the bargaining unit have been entered into the *Senate Journal* to assure that the law is interpreted according to legislative intent.

CALIFORNIA FARMWORKERS: RUMINATIONS ABOUT THE DAYS AHEAD

California's collective bargaining bill (SB 1) for farm workers could become the model for other states in which agriculture is among the prime income-producing enterprises. Apart from this possibility, there is potentially long-range social significance to the enactment of the Agricultural Labor Relations Act, effective August 28, 1975. Social significance centers on the premise that once a stable collective bargaining relationship evolves, California farm workers themselves will coalesce into a more vocal political and legislative constituency seeking equal treatment under the law. For example, there is the obvious desire to gain a degree of income protection—outside the welfare ambit—through state unemployment insurance coverage. The inherent seasonal nature of field work needs no exposition. To date, attempts to achieve coverage have been aborted.

By way of background, since the fall of 1961, farm workers have been covered under California's unemployment disability insurance law, which provides specified weekly benefit payments up to a maximum of 26 weeks for nonoccupational illness or injury. The program is financed through a 1 percent levy on each worker's wages. The unemployment insurance program, however, is financed through employer contributions based on a given percentage of payroll.

In a collective bargaining setting, these questions may arise: Will employers resist inclusion of farm worker unemployment insurance coverage with the same degree of vigor as in the past? Conversely, if the affected workers are denied state coverage, will they then make a priority demand at the bargaining table for some form of income

STATEMENTS OF INTENT

It is the intent of SB 1 (Third Extraordinary Session) and AB 1 (Third Extraordinary Session) that this legislation shall not prohibit the free exercise of religion as guaranteed by Article 1, Section 4 of the California Constitution and the First Amendment of the United States Constitution.

It is the intent of SB 1 (Third Extraordinary Session) and AB 1 (Third Extraordinary Session) that the board, in exercising its discretion to determine bargaining units in noncontiguous geographic areas, may consider processing, packing, and cooling operations which are not conducted on a farm as constituting employment in a separate or noncontiguous geographic area for the purpose of Section 1156.2.

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The Institute has maintained a strong interest in implementation of the Agricultural Labor Relations Act through the offering of research and training conferences on specific issues involving farm workers, including the employment of illegal aliens. Special training programs may be developed to familiarize the parties with their respective responsibilities under the law. The Institute also expects to carry out various applied research projects with the parties to assist them in complying with the statute. All interested parties—growers, unions, researchers, and others—are invited to bring to the Institute's attention any areas in which the Institute may be of service.

protection during periods of unemployment? From the employers' viewpoint, which option will be less costly—to pay a percentage of payroll into the unemployment insurance pool or to finance a negotiated income-protection plan?

This issue is one of many that could be offered to illustrate the potential for legislative and social achievement created by establishing a legal framework in which the field worker will be recognized as a participant in determining his work environment and life style. The long-range effects, however, will have their most dramatic impact in numerous areas of neglect, training and education being perhaps the most important issues.

CERTIFICATE PROGRAMS OF THE INSTITUTE OF INDUSTRIAL RELATIONS ASSOCIATION

At the April and May dinner meetings, the graduates named below were honored and awarded certificates in the following areas:

Certificate in Industrial Relations

Rebecca J. Cardona	William Floyd Rusher
Robert Edward Carney	Robert T. Teutsch
Anita Marie Dixon	Robert Lewis Thomas
Scott William Goodwin	Rosalind Corbett Walden
Kenneth Raymond Logan	

Certificate in Public Sector Labor-Management Relations

Bette Anthony	Steven A. Larson
John M. Caraway	Sandra C. Leonard
R. Douglas Collins	Sara W. Loggins
Don Donnelly	Lawrence P. Stern
Wayne R. Hartigan	Gary A. Stout

Certificate in Labor Studies

Noby Fukuma	Henry Clay Holly
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INSTITUTE PUBLICATIONS

For information contact Publications, Institute of Industrial Relations
University of California Los Angeles, Los Angeles Ca. 90024
or call (213) 825-1964

NEW: Humanization of the Workplace — The Swedish Experience

The *Proceedings* of this one-day seminar contain papers by Swedish industrial relations experts on approaches to democratization and reorganization of the workplace; the legal framework of the Swedish industrial relations system; codetermination for government employees in Sweden; occupational safety and health problems; and the Swedish experience in work organization and job design. Sweden is not only a recognized pioneer of social and economic reform; it has now also become—as noted in an article in the *Monthly Labor Review* on improving working life—"one of the world's foremost laboratories for the humanization of the workplace." \$2.00

Research Papers — by Ichak Adizes

- I. Developing Nations and Self-Management
- II. Problems of Implementation and the Role of Professional Management

Management in the United States is now approaching the view that managers should represent the whole community of which they are a part, and should be responsive

to the interests of society in general rather than to the exclusive pursuit of profit maximization. Self-management is a new system with a promise, because it seeks comprehensive social and political goals without eliminating the market, and without strengthening the hand of government. The author describes how the system works in practice and the problems that it has encountered in implementation. \$2.00

FORTHCOMING: Full Employment Policy: California and the Nation, Proceedings of a conference held 6 June 1975.

Speakers and panelists stressed the urgency of legislation committing the government to a long-run policy of full employment in both the private and public sectors of the American economy, arguing that the recent cycles of "recession" followed by an inadequate "recovery" are no longer necessary or tolerable. There must be a new approach to the definition of "useful work," and H.R. 50—the Hawkins-Reuss-Humphrey bill titled the "Equal Opportunity and Full Employment Act"—is a necessary first step toward the type of fundamental policy reorientation which is needed in American political and economic life.

INSTITUTE PROGRAMS

Public Conferences

September 20: Unemployment: Problems and Policies
(Saturday) —1200 Rolfe Hall, UCLA

(for further information contact Janis Okida
(213) 825-8175)

Labor Studies Certificate Program

Summer 1975 Communication: The Basic Art,
Instructor: Professor Howard Russell

*begins Aug. 6, 7 p.m., UNEX Building, 11th
and Grand*

Center for Quality of Working Life

Sept. 16-26: Job and Organization Design to Improve the
Quality of Working Life and Organizational
Effectiveness — a short course

(for further information write or call Joan
Gusten, Program Representative, or Angus
MacLeod, Program Coordinator, Institute
of Industrial Relations, UCLA, Los Angeles,
Ca. 90024, or call (213) 825-8034.

Fall 1975 Equal Employment Opportunity Laws: An In-
Depth Analysis for Trade Unionists
Instructor: Geraldine Leshin, Coordinator

*begins Sept. 23, 7 p.m., UNEX Building, 11th
and Grand*

(for further information about these and
other labor programs, call Helen Mills:
(213) 825-3180 or (213) 825-8175.)

INSTITUTE STAFF CHANGES

Professor FREDERIC MEYERS has been appointed *Acting Director* of the Institute for the 1975-76 academic year, succeeding Professor Benjamin Aaron whose resignation as Director, effective 30 June 1975, was announced in the last issue of the *Newsletter*.

Meyers' research interests, professional training, and extensive experience make him particularly well-qualified for his new post. A labor economist of international reputation, he has for many years been Professor of Industrial Relations in the UCLA Graduate School of Management and Research Economist of the Institute. After receiving his doctorate in economics from the University of North Carolina and working for a short period as an economist for the federal government, Meyers joined the Labor Bureau of the Middle West, a consulting firm for trade unions, and served that firm as Assistant Director of its Washington office and Director of its Atlanta office for six years. Following a few years of teaching economics at the Universities of Texas and of Illinois, he joined the UCLA faculty in 1958.

Meyers has had wide and varied administrative experience. He was Associate Director of the Institute from 1962 to 1965, and he served as Chairman of the Department of Business Administration and as Associate Dean in the Graduate School of Management. From 1972 to 1974, he was Director of the University of California Education Abroad Program in Bordeaux, France.

Meyers' scholarly work has received international recognition. He was a Guggenheim Fellow in 1960; since 1968 he has been a member of the Joint Committee of Experts of the International Labor Office and UNESCO on the Status of Teachers; and since 1973 he has served on the Governing Board of the Laboratory of Economics and Sociology of Labor, Aix (France). His numerous publications include *Economics of Labor Relations* (1951); *European Coal Mining Unions: Structure and Function* (1961); *Ownership of Jobs: A Comparative Study* (1964); *Training in European Enterprises* (1969); and *The Relations Between the State and Unions of Government Employees in France* (1971). He is a frequent contributor to scholarly journals in this country and abroad.

ROSS E. AZEVEDO, Assistant Professor of Industrial Relations in Residence in the Graduate School of Management, UCLA, who served the Institute as Deputy Director of the Manpower Research Center, is leaving for Minnesota at the end of July. He has accepted the position of Assistant Professor in the Industrial Relations Center of the College of Business Administration, University of Minnesota, Minneapolis.

While associated with the Institute, Dr. Azevedo supervised research activities under the institutional manpower grant, represented UCLA as an alternate on the Manpower Advisory Board of Los Angeles City, and attended meetings of the Los Angeles Manpower Roundtable. Together with Paul Bullock, he organized conferences involving manpower problems and employment policy. In the Graduate School of Management, Azevedo taught courses in Human Resource Management, Collective Bargaining, and Law and Industrial Relations.

DARRELL E. (GENE) BELL, Coordinator of Intergovernmental Management Programs, leaves the Institute to become Director of the new Labor Relations Service of the League of California Cities and County Supervisors Association as of July 1, 1975.

The functions of the new service will include conducting training courses for city and county managers and elected officials, providing labor relations consulting services, developing and disseminating a full range of information

services such as a newsletter and special reports, and coordinating the activities of the various area groups of city and county labor relations officials throughout the state. Main office for the Labor Relations Service will be in Sacramento.

Prior to joining UCLA's IIR three years ago, Bell was with the City of Los Angeles. He is looking forward to "establishing and maintaining a solid link between the Institute and the new service because their respective functions will be entirely complimentary to each other."

Philip Tamoush, as Administrator of Management Programs, will continue to offer programs for government officials in employer-employee relations.

RHONA KALKSTEIN, Program Representative of Institute Management Programs, is moving to Delaware, where her husband, a professor of geography, has accepted a teaching position at the University of Delaware. Ms. Kalkstein, who participated in numerous management programs and attended classes at the Graduate School of Management at UCLA, plans to pursue graduate study in personnel management in Delaware.

A NEW CENTER FOR QUALITY OF WORKING LIFE

A *Center for Quality of Working Life* has been established within the Institute of Industrial Relations, under the direction of Professor Louis E. Davis of the Graduate School of Management, UCLA. It is devoted to both action and research on a pervasive concern of our society—the enhancement of the quality of life at the workplace. The Center seeks collaborative relations with firms, unions, public agencies, scholars, engineers, accountants, lawyers, and government agencies in a network of shared effort in this critical and growing field.

The Center places highest priority on those activities which provide objective evidence of economically viable alternatives for the organization of technology and work structure so as to enhance the quality of working life. Such evidence is most compelling if it is generated through demonstration experiments in concrete, real-life situations. This approach, known as action-research, is an adaptation by the social sciences of the clinical model of medical science research. The Center's staff has extensive action-research experience in the redesign of the organizational structures and jobs in private and public organizations in the United States and Europe.

A second priority of the Center is scientific research and development, especially of new measures and indicators of individual and organizational effectiveness which involve quality of working life considerations. Priorities also include the dissemination of knowledge through short courses, seminars, conferences, and publications.

The Center looks forward to developing better techniques for investigating the expectations workers bring to the job, and in doing so to distinguish between economic and psychological work satisfaction. A high quality of working life is compatible with an economically adaptive and productive workplace; this requires a joint human-technical approach which to date has not compromised economic outcomes.

A number of case studies of organizational and job designs are in preparation. Information dissemination by case reports is a central activity of the Center. In July the first two books in a series will be published, entitled *Quality of Working Life: Problems, Prospects and State of the Art* and *Quality of Working Life: Cases and Commentary*, both by Louis E. Davis, Albert B. Cherns, and Associates (New York: Free Press, 1975).

THE INSTITUTE OF INDUSTRIAL RELATIONS ASSOCIATION

Monthly Dinner Meetings

Three timely and well-planned programs concluded this season's dinner meetings of the Association:

On April 9, 1975, the topic was **WOMEN AT WORK**.

Elinor Glenn, General Manager of SEIU Local 434 and West Coast Vice President of the Coalition of Labor Union Women (CLUW) served as moderator of a panel of three professional women who are experts in industrial relations, each from her own perspective: **Mei Bickner**, Associate Professor of Industrial Relations at the California State University Fullerton, analyzed the female labor force participation rate, supporting her comments with statistical evidence: (1) since the 1940s women have entered the labor force in increasing numbers and are staying longer; (2) the largest such increase involves the 35-65 age group and married women; (3) there is a direct relationship between educational attainment and labor force participation; (4) participation is consistently higher for nonwhite women.

Ruth Miller, National Representative of the Amalgamated Clothing Workers and Chairperson of Women in the Work Force of the Los Angeles County Federation of Labor, discussed problems surrounding layoffs in light of affirmative action requirements in a depressed economy. While such requirements must be observed to alleviate the wrongs of past discrimination, she feels that seniority rights cannot simply be abandoned, because they are among the basic principles of trade unionism. **Virginia Mulrooney**, Associate Professor of History at Los Angeles Valley College and Executive Secretary of Local 1521 College Guild, American Federation of Teachers, discussed the bargaining position of teachers and the status of women teachers in particular.

On May 14, 1975, **Don Vial**, who was recently appointed Director of the State Department of Industrial Relations by Governor Brown, presented his personal views on some aspects of his new responsibilities. The basic mission of his Department, he said, is to contribute to the welfare and dignity of working people. To accomplish this goal he would, for example, strongly support a merger of the Divisions of Industrial Welfare and Labor Law Enforcement. Further, he will emphasize the enforcement function of his office with respect to OSHA; a balancing of considerations must be found in the work environment between economic and safety factors at the workplace; he will promote training of safety engineers to identify work-related hazards and seek a better relationship with the Department of Health; he

would like to see an Occupational Health Unit established in the Department of Industrial Relations. In addition, he will also work for the proper administration of Workers' Compensation, again seeking a closer relationship between the compensation mechanism, which he calls an "adversary system," and conditions of industrial safety. Another vital improvement will be creating an effective relationship between apprenticeship and public service trainee programs; he believes that, as a nation, we are moving toward more public service employment. Commenting on affirmative action, Mr. Vial pledged his support of effective affirmative action measures, including bringing more women into apprenticeship programs, an area in which he foresees trends toward significant change.

June 11, 1975, the last dinner meeting before the summer recess, featured **Edmund J. Flynn**, President of the Pacific Maritime Association, who discussed collective bargaining in the West Coast Maritime Industry. The West Coast longshoremen began negotiations in December, 1974, bargaining hard for a no-layoff provision in addition to a plan of guaranteed wages. Tentative agreement was reached in February, but ratification by the rank and file fell short of the votes required for final approval. As negotiations continued in San Francisco, the major issue involved the so-called "steady men," skilled operators of cranes and other heavy equipment, for whom management plans year-around employment without sharing jobs with other longshoremen. Los Angeles Local 13 objected to this arrangement, desiring a more equitable sharing of work since the skilled jobs pay more than regular longshore work. Under the tentative agreement reached in February, longshoremen would have gained a base pay rate of \$6.50 per hour for a six-hour day plus overtime rates for two additional hours. Finally, it must be stressed that bargaining between the Pacific Maritime Association and the Longshoremen does not follow a normal pattern; the ILWU consists of a very independent work force because of the industry's inherent complexity and the fact that longshoremen, by virtue of the casual nature of their employment, have very little contact with their numerous employers.

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The Institute of Industrial Relations Association will hold its first dinner meeting of the 1975/76 season on Wednesday, October 15, 1975. The guest speaker is **Robert Howlett**, chairman of the Michigan Employment Relations Commission. Mr. Howlett, who has written extensively on employee relations in the public sector, is the current president of SPIDR, the Society of Professionals in Dispute Resolution.

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