

Agricultural Labor Relations Act

Employee Questions & Answers

ACCESS

WHAT IS ACCESS UNDER THE AGRICULTURAL LABOR RELATIONS ACT (Act)?

Under the Act, you have the right to be contacted at your workplace by union organizers so that you can receive information about the union. Your employer must give union organizers **access**, that is, allow union organizers on to his or her property to meet with you and your fellow workers.

WHY IS ACCESS IMPORTANT?

Under the Act, you have the right to choose whether or not you want a union to represent you. Before an election, you have the right to speak with union organizers and ask them questions. The ALRB's access rules allow union organizers to come to your workplace so it will be convenient for you to speak to them if you wish to do so.

WHO CAN BE ALLOWED TO TAKE ACCESS?

Any union represented by a person not employed at your workplace, or any union, who seeks to represent you and your fellow workers, can apply to take access. First, they must fill out a form called a *Notice of Intent to Take Access* and give a copy of the form to your employer or one of your supervisors. Then they must file the form with the nearest

Regional Office of the ALRB. Once the form is properly filed, the union can meet with you and your fellow workers at your work place.

UNDER WHAT CIRCUMSTANCES CAN UNION ORGANIZERS TAKE ACCESS TO MY EMPLOYER'S PROPERTY?

There are four (4) types of access:

- Before an ALRB election,
- Immediately after an ALRB election,
- During a labor dispute or strike,
- After workers have elected a union that the ALRB has certified.

WHEN CAN ACCESS BE TAKEN?

Access is limited to times that do not interfere with your work. Under most circumstances, access is limited to one hour before work, one hour after work, and one hour during the time you and your fellow workers normally take lunch. Also, an individual union can take access to your employer's property no more than four (4) times or periods in one year for purposes of organizing. Each access period lasts thirty (30) days.

I WORK IN A DAIRY. ARE THERE SPECIAL ACCESS RULES FOR MY WORKPLACE?

Yes. There are special rules about access that apply to dairy, poultry, egg, nursery and floral operations where there is a possibility that outsiders could contaminate products, cause stress to animals or spread disease to animals. The rules for these operations limit areas where on the property non-employee organizers can go when they take access. There are also special access rules for the citrus fruit industry.

HOW MANY UNION ORGANIZERS CAN TAKE ACCESS AT ANY ONE TIME?

Two organizers are permitted to meet with each crew of thirty (30) workers. If there are more than 30 workers on a crew, then there can be one more organizer for each additional fifteen (15) workers.

HOW WILL I IDENTIFY THE UNION ORGANIZERS WHO HAVE TAKEN ACCESS AT MY WORKPLACE?

Union organizers must wear identification badges identifying their names and the name of the union they represent when they come on to your employer's property.

WHAT IF I DO NOT WANT TO SPEAK TO UNION ORGANIZERS WHO HAVE TAKEN ACCESS AT MY WORKPLACE?

You have the right not to speak to union organizers if you do not wish to do so.

CAN MY EMPLOYER WATCH OR LISTEN IF I SPEAK WITH UNION ORGANIZERS DURING ACCESS PERIODS?

NO. It is a violation of the Act for your employer or his representatives (such as a supervisor or foreman) to interfere with you, observe or listen to you while you speak to union organizers during the times permitted for access.

CAN MY EMPLOYER DENY ACCESS TO UNION ORGANIZERS?

Your employer may deny access to union organizers if they failed to file the *Notice of Intent to Take Access* form as described above. Your employer may also deny access if union organizers fail to identify themselves or if they stay on the property longer than limited times allowed. Finally, your employer may deny access if organizers disrupt work or harm equipment, crops or other property.