

Agricultural Labor Relations Act

Employee Questions & Answers

CONCERTED ACTIVITY

What is Concerted Activity?

The Agricultural Labor Relations Act (Act) gives farm workers the right to engage in **concerted activity**, which means the right to act **together** to improve their working lives. Under the Act, **two or more** employees can join together and request changes in working conditions, better wages, more benefits, etc. from their employer. It is important to note that the Act only protects workers in situations where two or more workers act together or on each others' behalf.

Examples of concerted activity include:

- Speaking to the foreman or other representative of the employer on behalf of a group of workers about a pay raise;
- Talking to fellow workers about desired changes in working conditions;
- Meeting with union organizers during a lunch break;
- Handing out union leaflets to other workers and encouraging them to support the union.

Do I Have to Belong to a Union to Have a Right to Concerted Activity?

No. Although the right to concerted activity includes the right to assist and join labor unions, a group of workers who are unaffiliated with a union may also work together to request changes in wages and other terms and conditions of employment.

Can My Employer Fire Me Because I Have Engaged in Concerted Activity?

No. Under the Act, it is illegal for an employer to fire, lay off, demote or discriminate against a worker or group of workers because they have engaged in concerted activity. Remember, the Act only covers concerted activity. For example, if you do not like how you alone are being treated and you complain to a supervisor and are fired, the Act cannot help you.

If a Group of Workers Requests Changes in Working Conditions, Does My Employer Have to Meet Those Demands?

No. Your employer is not required to give workers who engage in concerted activity what they ask for, however, your employer cannot punish you or your fellow workers for joining together and making the requests.

Is Concerted Activity Always Protected Under the Act?

Not always. Some activities by employees such as violent acts or threats of violence may cause those employees to lose the Act's protection.

What if I Prefer Not to Engage in Concerted Activity?

Under the Act, you also have the right not to participate in concerted activity. It is your choice whether or not to join a group of fellow employees seeking changes in working conditions, support a union, or engage in other concerted activities.

What if I Act With a Group of Fellow Workers to Try to Get Higher Wages and My Employer Fires Me?

It is an **unfair labor practice** (ULP) for an employer to threaten or punish workers because they have acted as a group to try to get higher wages or have engaged in other types of concerted activity. If this happens, a worker can go to the nearest Regional Office of the Agricultural Labor Relations Board (ALRB) and file an **unfair labor practice charge** (ULP charge). A field officer from the ALRB will investigate the charge and take the proper action.

Where Do I File a ULP Charge?

Charges are filed in the ALRB Regional Office that covers the county where the alleged ULP occurred. You can get forms for filing charges from any ALRB office. Charges must be filed **no later than six months** after the alleged ULP occurred.

What Happens After I File a Charge?

A field examiner and/or attorney from the Regional Office may look at records, interview witnesses, and put together a picture of what happened. The Regional Director will also contact the party that has been charged with the ULP to hear that party's side of the story. If the Regional Director decides a charge has merit, a **complaint** will be issued. If the Regional Director finds that there is not enough evidence to prove that the ULP happened, the charge will be dismissed. At any time, the Regional Director and the parties might also decide to enter into an agreement to resolve the situation.

What Happens After a Complaint is Issued?

A hearing will be held before an impartial Administrative Law Judge (ALJ). At the hearing, both sides will have an opportunity to testify about what happened, present evidence and call witnesses. Farm workers who file charges are represented by the General Counsel of the ALRB at the hearing. If the ALJ finds that a ULP occurred and the Act was violated, the ALJ will recommend a remedy to address the violation. If the ALJ decides that the Act has not been violated, the case will be dismissed. All parties will receive a copy of the decision. If a violation is found, the decision will include a remedy to address any damage that was caused by the violation of the Act.

How Can I Protect My Rights?

If you believe any of your rights under the Act have been violated, you have the right to file a ULP charge with the nearest ALRB office. When you file a charge:

- Provide ALRB staff with a complete address or phone number where you can be reached most often.
- Let the ALRB staff know complete names, addresses and phone numbers for any witnesses involved in the charge.
- If you lost your job as a result of the alleged ULP, keep complete records about your search for other work. If you obtain other work, keep records of your earnings from your new job.
- Stay in touch with the ALRB Regional Office where you filed the charge. Let the Regional Office know if you have a change of address or phone number.

(See the brochure on Unfair Labor Practices for more information)