

## Assembly bill could give farmworkers a greater voice during mediation

By Robert  
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Farmworkers thin peaches in an orchard near Fowler Ave. and Clarkson Ave. The ag industry relies heavily on the labor of illegal immigrants.

MARK CROSSE / THE FRESNO BEE

- *Farmworkers may become more involved in the mandatory mediation process if a bill by Assembly Member Jim Patterson is approved.*
- *Patterson said he was spurred to author the bill after watching workers with the Gerawan Farming Company try to decertify the United Farm Workers Union.*
- *The battle between the UFW and Gerawan Farming has resulted in a months-long administrative hearing and an appeal before the 5th District Court of Appeal.*

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As a protracted legal fight over who will represent about 3,000 Gerawan Company workers simmers, state Assembly Member Jim Patterson, R-Fresno, is stepping in the fray with a bill that could prevent future conflicts between labor unions, farmworkers and their employer.

Patterson's Assembly Bill 1389, the Fair Contracts for California Farmworkers Act, is in response to the plight of Gerawan workers who have, so far, been unsuccessful in trying to oust the United Farm Workers union. Anti-union

workers are angry because they say the UFW was absent for nearly 20 years before re-emerging several years ago to represent them.

Although Patterson's bill won't help the Gerawan workers, it could help others in the same situation. As part of the bill, a labor union would lose its ability to represent workers if it's been absent for three years or more.

The bill would also give farmworkers greater access to the mandatory mediation and conciliation process. The process kicks in when negotiations stall between a union and employer. If the two sides can't come to an agreement, a state-appointed mediator will establish the terms of the contract. Currently, mandatory mediation does not allow workers to participate in the process or vote on the terms of the proposed agreement.

During the Gerawan case, several workers said they were barred from the negotiation process.

Patterson's bill would change that. If approved, workers would be allowed to provide comments and vote on the contract.

"It is a fundamental right for workers to be able to know, understand and be present when the details of that contract are being adjudicated," Patterson said.

UFW and Agricultural Labor Relations Board officials could not be reached for comment Friday. The case involving Gerawan and the union resulted in a months-long administrative hearing. At issue were several charges of unfair labor practices against Gerawan and the results of the decertification election. The board won't count the ballots until the unfair labor practices charges are resolved. Gerawan is also fighting the issue at the 5th District Court of Appeal, where the company has argued workers were denied their due process as part of the mediation process. A decision in both of those cases is expected in the coming weeks.

Barry Bedwell, president of the California Fresh Fruit Association, said that while he expects opposition to the bill, he hopes people will not view it as anti-union.

"This bill tries to enhance the rights granted to employees through the Agricultural Labor Relations Act," Bedwell said. "I hope people step back and look at this logically. It makes sense."

Patterson's bill is scheduled to be heard by the Assembly's Committee on Labor and Employment on May 6. Patterson acknowledges it faces a challenge. The seven-member committee is made up of five Democrats, Patterson and another Republican.

"I have tried very hard not to phrase this as a partisan matter, because it isn't," Patterson said. "I am asking my colleagues to strip away the noise and just look at what this bill does."

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