

14-1190

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, egregious violations of California labor laws by Gerawan Farming, one of the nation's largest grape and tree fruit producers with 5,000 employees that sells through its Prima label, symbolizes the agricultural industry's defiance of the farm workers' rights to organize and negotiate union contracts despite California's 1975 Agricultural Labor Relations Act guaranteeing those rights; and

WHEREAS, since Gerawan farm workers voted for the United Farm Workers of America in a state-conducted secret-ballot election in 1990, in the last major organizing drive under Cesar Chavez's leadership, the Gerawans thwarted major worker efforts to negotiate a union contract since that time; and

WHEREAS, in 2013, Gerawan workers invoked a California law allowing neutral state-appointed mediators to decide union contracts when employers refuse to sign them, and in late 2013, the state Agricultural Labor Relations Board (ALRB) ordered that the three-year contract was to take immediate effect; and

WHEREAS, since workers requested the state mediator, the ALRB general counsel has filed four complaints—tantamount to indictments—accusing the Gerawans of “illegally excluding some of its farm workers from the benefits of a [union contract]”; illegally “instigating and encouraging the gathering of signatures” on petitions to decertify the UFW; “unlawfully interrogating workers about their union activities” and “surveiling” workers; “failing to bargain in good faith with its employees’ union”; “intimidating [employees] in the exercise of their right to participate in negotiations”; and failing to implement the state-issued union contract; and

WHEREAS, under contract terms set by the state mediator, not the UFW, between July of 2013 and July of 2014, most Gerawan workers would have earned approximately \$1,480 in additional money each, based on a 54-hour workweek, plus additional pay increases and benefits scheduled to take effect over the duration of the agreement; and

WHEREAS, the Gerawans' refusal to implement the union contract means its roughly 5,000 employees have not been paid many millions of dollars they are owed by the Gerawans from July 2013 to July 2014, and many millions of dollars more over the contract's duration; and

WHEREAS, the Gerawans' first attempt to decertify the UFW in September 2013 was dismissed by the ALRB regional director after a careful investigation exposed “a large number of forged signatures” and “significant unlawful assistance by the employer in the circulation of the petition,” and a second petition was dismissed by the regional director who cited the outstanding recent complaints against the Gerawans for serious and repeated violations of the law so that “a free and uncoerced” election is “impossible”.

NOW, THEREFORE BE IT RESOLVED, that the Los Angeles City Council calls upon the Gerawans to meets basic standards of conduct, including refraining from violating state or federal laws such as labor relations laws, anti-discrimination laws, and minimum wage and hour laws, and to immediately implement the union contract issued by the neutral mediator and the state of California.

AUG 27 2014

PRESENTED BY:

PAUL KORETZ
Councilman, 5th District

ORIGINAL

SECONDED BY: