

## EDITORIAL

**The Californian**

# SB 1736 separates 'good' from 'bad' in farm-labor talks

**WHERE WE STAND:**

Urge Gov. Davis to sign a farm-labor bill to give growers and unions the incentive to conduct timely, respectful contract negotiations.

Farm workers from the Salinas Valley are among marchers scheduled to arrive at the State Capitol on Sunday. They're marching to urge Gov. Gray Davis to sign, what is for them, one of the most important pieces of farm-labor legislation in decades.

The agricultural industry opposes the bill, but there is a chance for both sides to benefit from it.

Davis should sign Senate Bill 1736 to add "binding arbitration" to the grower-union negotiation process — not just to secure his union votes in his bid for re-election but because it's the right thing to do.

Binding arbitration is the last straw for companies and unions in the process of contract negotiations. It is used when both sides have failed to reach an agreement on their own. SB 1736 gives both sides a good reason to hammer out an agreement before the government steps in to do it for them.

Agricultural companies that bargain in "good faith" have nothing to worry about if Davis signs the bill. They'll continue to resolve problems the way they've done it for nearly 30 years — under the auspices of the state's landmark Agricultural Labor Relations Law. "Good faith" bargaining can conquer all.

However, the "bad faith" bargainers — companies that refuse to accept the will of their workers who want union representation — would be governed by binding arbitration and a neutral "outsider" appointed by the state to settle disputes.

The incentive created by the bill is for both sides to sit down together and work out a deal to avoid binding arbitration.

Growers have complained that SB 1736 shifts the whole negotiating process in favor of workers, undermining the "good faith" bargaining requirements in the ALRA.

So where's the "good faith" been? Of 428 companies where farm workers have voted for union (UFW) representation, only 185 have negotiated contracts in 27 years. That's an abysmal record for contract talks in any industry.

It's reasonable to seek a change. That's what the United Farm workers Union did. That change is SB 1736.

Under the ALRA, the current remedy for "bad-faith" bargaining is called "make whole" in which employers must make their workers "whole" for economic losses suffered from delaying negotiations. But litigation can tie up this remedy for years, even decades, before farm workers receive anything.

SB 1736 would replace litigation with mediation and arbitration. SB 1736 would give growers and workers 90 days to negotiate a contract after a pro-union vote. If that's unsuccessful, the Agricultural Labor Relations Board would order a 30-day period of mediation.

Failure to reach a contract after mediation would require the board to mandate binding arbitration, with the outcome subject to judicial review.

Remember, SB 1736 is aimed at "bad faith" bargainers. The "good faith" bargainers can keep their business in the private sector where it belongs.

The ability of unions and companies to work together to solve problems must not be lost. A good labor-management relationship has always hinged on mutual respect. That respect often is built at the bargaining table. SB 1736 creates a high road and a low road to take toward contract negotiations. The choice is clear. Urge the governor to sign it.

**Contact the governor**

Gov. Gray Davis, phone: (916) 445-2841. Fax: 445-4633; Web page: [www.governor.ca.gov/state/govsite/gov\\_homepage.jsp](http://www.governor.ca.gov/state/govsite/gov_homepage.jsp)

**Voices**

The Californian on Sunday asked farm workers from Greenfield what they think of Senate Bill 1736. The farm workers were celebrating Agricultural Worker Day.



"I think it will be very good if Gov. Davis signs the bill, because we need that help to get better work conditions. Today I was going to join the march in Sacramento but the buses were already packed so I stayed here."

— **Concepcion Pacheco**

"It is time for the government to take some action to help us. The government always helps the labor contractors, but they don't help us. The labor contractors get most of the farm workers' salary, and we just get the pain and the injuries. Nowadays, our salary is worthless, is not enough to pay the food and rent."



— **Jose Galvez**



"If Gov. Davis signs this bill, it will be very good for all of us because it will help us to have better wages."

— **Armando Neri**