



## Vermont Legislative Research Service

<https://www.uvm.edu/cas/polisci/vermont-legislative-research-service-vlrs>



### Farmworker Labor Laws

Collective bargaining is defined as the ability for workers to have protection against retaliation if they unionize.<sup>1</sup> The initial law that granted collective bargaining rights to citizens in the United States, the Federal National Labor Relations Act, was signed into law on July 6, 1935.<sup>2</sup> However, farmworkers were specifically left out of this act. While there is no federal law guaranteeing farmworkers collective bargaining rights, several states have passed laws to grant farmworkers these rights.<sup>3</sup>

Fourteen states grant the right of collective bargaining to farmworkers.<sup>4</sup> We report the information on each state in Table 1 below.

Table 1: Year Collective Bargaining was Granted by State	
State	Year Collective Bargaining was Granted to Farmworkers
Arizona	1972
California	1975 <sup>5</sup>
Colorado	2021 <sup>6</sup>
Hawaii	1945 <sup>7</sup>
Kansas	1972

<sup>1</sup> National Agricultural Law Center, *Collective Bargaining Rights for Farmworkers*, July 14, 2024, <https://nationalaglawcenter.org/collective-bargaining-rights-for-farmworkers/>.

<sup>2</sup> National Archives, “National Labor Relations Act (1935),” accessed November 5, 2024, <https://www.archives.gov/milestone-documents/national-labor-relations-act>.

<sup>3</sup> National Agricultural Law Center, *Collective Bargaining Rights for Farmworkers*.

<sup>5</sup> State of California, “Rights of Agricultural Employees”, California Labor Code § 2-3.5.3, (1975), accessed November 7, 2024,

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=LAB&sectionNum=1152](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=1152).

<sup>5</sup> State of California, “Rights of Agricultural Employees”, California Labor Code § 2-3.5.3, (1975), accessed November 7, 2024,

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=LAB&sectionNum=1152](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=1152).

<sup>6</sup> Agricultural Workers Rights Act SB21-087, <https://leg.colorado.gov/bills/sb21-087>.

<sup>7</sup> State of Hawaii, “Hawaii Employment Relations”, H.R.S. § 377-12 (2023), accessed November 7, 2024 <https://www.hawaii.edu/uhwo/clear/home/HRS377.html>; Center for Labor Education & Research University of Hawaii – West Oahu, “CLEAR Timeline of Hawaii Labor History,” accessed November 7, 2024 <https://www.hawaii.edu/uhwo/clear/home/Timeline.html>

<b>Kentucky</b>	2017 <sup>8</sup>
<b>Louisiana</b>	1956. <sup>9</sup>
<b>Massachusetts</b>	1970
<b>Nebraska</b>	1959 <sup>10</sup>
<b>New Jersey</b>	1947
<b>New York</b>	2020
<b>Oregon</b>	1933 <sup>11</sup>
<b>Washington</b>	1919 <sup>12</sup>
<b>Wisconsin</b>	2015

To find more information on the collective bargaining rights of agricultural workers, we reached out to government agencies and union groups within each of the individual states listed above. In all, we sent out 45 emails to organizations in all 14 states and received replies from 21 of them. Note that some of the states who replied did not have relevant data available to give to us. Our inquiries to these sources included the following questions:

- What year did agricultural workers first acquire the right to organize?
- How many agriculture bargaining units have been certified in the state since then?
- How many union elections have been held?
- How many elections were unsuccessful?
- How many petitions have been filed to decertify an agriculture worker's bargaining unit?
- In the last 10 years, how many strikes have there been against agricultural employers? How long did they last?
- In the last 10 years, how many Unfair Labor Practice charges have been filed against Ag employers?

---

<sup>8</sup> Kentucky General Assembly, “Employees may organize, bargain collectively, strike, picket, -- Protection of employees – Conduct prohibited – Effect of violence or injury to person or property”, K.R.S. §§ 336.130(1) – (2), (2022), accessed November 7, 2024, <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=52423>.

<sup>9</sup> Louisiana State Legislature, “Rights to Collectively Bargain Not Impaired” L.R.S. Title 23 §888, (1956), accessed November 7, 2024, <https://www.legis.la.gov/legis/Law.aspx?d=83997>.

<sup>10</sup> State of Nebraska, “Labor,” N.R.S. §§ 48-901-48-911 (1959), accessed November 7, 2024 <https://nebraskalegislature.gov/laws/browse-chapters.php?chapter=48>.

<sup>11</sup> State of Oregon, “Declaration of Policy as to labor organizations,” ORG §662.020 (1933), accessed November 11, 2024. [https://oregon.public.law/statutes/ors\\_662.020](https://oregon.public.law/statutes/ors_662.020).

<sup>12</sup> State of Washington, “Policy enunciated,” RCW §49.32.020 (1919), accessed November 11, 2024. <https://app.leg.wa.gov/rcw/default.aspx?cite=49.32.020>.

## **Arizona**

Arizona guaranteed the right for farm and agricultural workers to collectively bargain in 1972.<sup>13</sup> Lisa James of the Arizona Agriculture Employment Relations Board was the source used to gather information on agricultural collective bargaining in Arizona. She has been with the agency for 20 years and was able to access information only from her time at the department. According to James there is one agricultural bargaining unit certified in Arizona. This was a small cannabis operation that began to organize in January 2024. An election was held for this operation on January 25, 2024, which was successful. James had knowledge of an election at a tomato plant in 2000 but is unsure if it was successful. There have been zero petitions filed to decertify an agricultural bargaining unit in the past 20 years. There have been zero strikes against agricultural employers in the last 10 years. Since 2007, there have been seven Unfair Labor Practice charges filed against agricultural employers. In the last 10 years specifically, there have been 4 Unfair Labor Practice Charges, three of which were filed by the cannabis operation mentioned previously. None of the charges filed have been successful.<sup>14</sup>

## **Kansas**

Farmworkers acquired the right to organize in Kansas in 1972.<sup>15</sup> Since then, the state has not certified any agricultural bargaining units and has had zero elections held. In addition, the state has not seen any strikes against agricultural employers in the past ten years, nor have there been any unfair labor practices charges against agricultural employers in the past five years.<sup>16</sup>

## **Massachusetts**

Massachusetts guaranteed the right for farmworkers to collectively bargain in 1970.<sup>17</sup> Between 1970 and 2020, records show that Massachusetts has not certified any agricultural bargaining units. In 2020 the Massachusetts Department of Labor Relations began receiving petitions on behalf of cannabis growing facilities and nine bargaining units have been since certified or recognized. No traditional elections have been sought or conducted, although seven units were certified through the Written Majority Authorization or card check process with two being

---

<sup>13</sup> State of Arizona, "Agricultural Labor Relations", A.R.S. §§ 23-1381-1395 (1972), accessed November 7, 2024 <https://www.azleg.gov/arsDetail/?title=23>.

<sup>14</sup> Lisa James, Arizona Agriculture Employment Relations Board, phone communication, November 8, 2024.

<sup>15</sup> State of Kansas, "Agricultural Labor Relations," K.G.S. §§ 44-818 to 44-831 (1972), accessed November 7, 2024 [https://ksrevisor.org/statutes/ksa\\_ch44.html](https://ksrevisor.org/statutes/ksa_ch44.html).

<sup>16</sup> Tim Triggs, Kansas Department of Labor, email communication, October 21, 2024.

<sup>17</sup> Commonwealth of Massachusetts, "Agricultural Workers; representatives," M.G.L. Chapter 150A, § 5A (1970), accessed November 7, 2024 <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter150A/Section5A>.

voluntary recognized.<sup>18</sup> The card check process allows an employee organization to forgo a secret ballot election run by the Department of Labor Relations and instead obtain certification based on a written majority authorization.<sup>19</sup> One card check petition was withdrawn prior to the completion of processing. It is not known why this petition was withdrawn. Since no traditional elections have been held, there have been no unsuccessful elections. There have been three petitions filed for decertification which were all successful. According to Department of Labor Relations records there have been zero strikes against agricultural employers, although 23 Unfair Labor Practice charges have been filed against agricultural employers.<sup>20</sup>

### **New Jersey**

In the state of New Jersey, agriculture workers gained the right to organize in 1947.<sup>21</sup> There have been three certifications in the state since then; two contracts and one certification.<sup>22</sup> New Jersey has held those three previously mentioned union elections and has also had two card check attempts since 1947.<sup>23</sup> These attempts were both challenged by the respective employers on the grounds that the New Jersey State Board of Mediation did not have jurisdiction.<sup>24</sup> Keith Talbot, a representative of New Jersey's Farmworker Union who was contacted for this report, was unsure if any of those cases were successful in getting to the certification stage.<sup>25</sup> He could not recall of any petitions filed to decertify agriculture worker's bargaining units, but mentioned that one of the long term contracts mentioned earlier stopped when the company went out of business.<sup>26</sup> In the past 10 years, he could recall no strikes against agriculture employers and no Unfair Labor Practice charges to have been filed.<sup>27</sup>

### **New York**

Agriculture workers in New York state first gained the right to organize in 2020 through Assembly Bill 2019-A.<sup>28</sup> Since then, 15 agriculture bargaining units have been certified in the

---

<sup>18</sup> Robert Philip, Massachusetts Department of Labor Relations, email communication, October 24, 2024.

<sup>19</sup> Massachusetts Department of Labor Relations, "Written Majority Authorization (WMA)," accessed November 6, 2024. <https://www.mass.gov/info-details/written-majority-authorization-wma>.

<sup>20</sup> Robert Philip, October 24, 2024.

<sup>21</sup> State of New Jersey, "New Jersey Constitution" Article 8 §2, (2010), accessed November 7, 2024, <https://www.njleg.state.nj.us/constitution>.

<sup>22</sup> Keith Talbot, email communication, November 8, 2024.

<sup>23</sup> Alashia Chan, email communication, November 12, 2024.

<sup>24</sup> Alashia Chan, email communication, November 12, 2024.

<sup>25</sup> Keith Talbot, email communication, November 8, 2024.

<sup>26</sup> Keith Talbot, email communication, November 8, 2024.

<sup>27</sup> Keith Talbot, email communication, November 8, 2024.

<sup>28</sup> State of New York, Assembly Bill A8419, 2019-2020 (2020), accessed November 7, 2024, <https://legislation.nysenate.gov/pdf/bills/2019/A8419>.

state.<sup>29</sup> There have been zero union elections held in New York since 2020.<sup>30</sup> Three petitions have been filed to decertify an agriculture worker’s bargaining unit since the right to organize was established.<sup>31</sup> In the last ten years there have been zero strikes against agriculture employers.<sup>32</sup> Since 2020, there have been 29 Unfair Labor Practice charges filed against agricultural employers.<sup>33</sup>

## Wisconsin

Farmworkers acquired the right to organize in Wisconsin in 2015 through Act 111.04.<sup>34</sup> Since then, the state has not certified any agricultural bargaining units and has had zero elections held. In addition, the state has not seen any strikes against agricultural employers in the past ten years, nor have there been any unfair labor practices charges against agricultural employers in the past five years.<sup>35</sup>

---

This report was completed on November 7, 2004, by Abigail Sperger, Anna Lambert, Olivia Goebel under the supervision of VLRS Director, Professor Anthony “Jack” Gierzynski in response to a request from Representative David Durfee.

Contact: Professor Anthony “Jack” Gierzynski, 517 Old Mill, The University of Vermont, Burlington, VT 05405, phone 802-656-7973, email [agierzyn@uvm.edu](mailto:agierzyn@uvm.edu).

Disclaimer: The material contained in the report does not reflect the official policy of the University of Vermont.

---

<sup>29</sup> New York State Public Relations Board, email communication, October 22, 2024.

<sup>30</sup> New York State Public Relations Board, email communication, October 22, 2024.

<sup>31</sup> New York State Public Relations Board, email communication, October 22, 2024.

<sup>32</sup> New York State Public Relations Board, email communication, October 22, 2024.

<sup>33</sup> New York State Public Relations Board, email communication, October 23, 2024.

<sup>34</sup> Wisconsin State Legislature, “Right of Employees Act,” 111.04 (2015), accessed November 12, 2024. <https://docs.legis.wisconsin.gov/statutes/statutes/111/i/04?view=section>.

<sup>35</sup> Peter G. Davis, WERC, email communication, October 22, 2024.