

Summary of Michigan Bill Draft 502 on
Organization and Collective bargaining involving Farmworkers

Michigan Draft No. 502 could give agricultural workers the right to organize, demand elections, and bargain collectively. Instead of leaving the enforcement of these rights entirely to the courts, this draft establishes an agricultural commission composed of labor management and public representatives with both rule making and subpoena powers to investigate complaints and conduct hearings on factual disputes. Additionally, failure to cooperate with legitimate requests for information, statistics, or access to places or labor by a member or employee of the commission is made a misdemeanor.

The bargaining unit is defined as all the employees of an employer, but in cases where employers are grouped in more than one noncontiguous geographical area, the commission can set an appropriate unit. Each unit is entitled to vote by secret ballot for a labor organization to be its exclusive bargaining representative for the next twelve months. If there is no bargaining representative at the time of petitioning, the only concern of the petitioners would be to establish that the present number of employees constitute over 50% of the employer's peak agricultural employment for the current calendar year. Once a representative is certified, challenges to its legitimacy are apparently limited to short time periods after an election or before the expiration of a contract. An existing certification will be extended in the event that an employer fails to bargain in good faith or gives false information to the commission. Although this seems to give the employer an opportunity to block challenges by new or dissident organizations by simply committing one of the forbidden acts, Section 13 apparently provides an extraordinary petition procedure which can be used to end

collusive affairs between an employer and bargaining representatives.

Elections are limited to workers employed when the petition for election was filled, so no hirelings or scabs can swing an election. Ballots must include organizations submitting the supporting signatures of 10% of maximal seasonal employment to the commission forty-eight hours before the election. Informational activities by organizations between petitioning and the election are not to be obstructed as long as they are conducted during breaks or lunches so as not to affect work. Once organizational activities have begun, the firing of an employee is presumed to violate the act. Both management and labor organizers are forbidden to coerce, threaten or discriminate against workers in any one of numerous ways. Contracts between an employer and an organization not certified pursuant to the act will be void and not enforceable by the courts. Any labor organization discriminating on the basis of race, color, sex, etc. cannot be certified.

Collective bargaining within the framework of protection outlined by the draft and enforced by the commission will ensure the farmworkers' power to negotiate for reasonable wages and working conditions. Optionally, infrequent enforcement actions will keep owners and organizers in compliance.

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