

Measure 119

FREEDOM FOR CANNABIS WORKERS TO UNIONIZE



THE SHORT VERSION

Due to vague federal laws around cannabis workers rights, some employers have refused to recognize these workers' right to organize a union or bargain. This measure would make such recognition a part of the licensure process.

SCAN FOR MEASURE TEXT & SIGN-ON OPTIONS ▶

Background

Because many cannabis businesses are vertically integrated from agricultural work to retail, it is easy to misclassify cannabis workers who engage in both retail and manufacturing work, which can prevent them from receiving organizing protections under the National Labor Relations Act.

As a result, many cannabis workers end up in a “no man’s land” of accountability. Workers often risk having to work in unsafe conditions, without appropriate protective equipment, and for sub-par or even off-book wages in some cases.

In order to ensure worker safety and fair treatment, OLCC-licensed cannabis businesses should recognize workers' organizing rights.

What the Measure Does

Simply put, the measure would require that a cannabis dispensary, processor, or other OLCC-licensed entity enter into (or already be party to) a “labor peace agreement.” These agreements are commonly used to ensure that employers respect the ability of workers to make their own informed decision on unionization and respect that result.

The provisions would include:

- ✓ A requirement that the employer agrees not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees.
- ✓ Provides the labor organization with reasonable access in order to communicate with employees.
- ✓ Provides direction for cannabis employers to enter into a new labor peace agreement if an agreement is terminated, and establishes penalties if a new agreement is not reached.

WHAT OTHER STATES HAVE DONE:



California
(CA Bus. & Prof. Code § 26051.5)

Licensure applicants with more than 20 employees must enter into a labor peace agreement (defined in § 26001) or already be party to one. Applicants with less than 20 employees must provide a statement agreeing to enter into such agreement within 60 days of having 20 employees.



New York
(Public Health Law PBH § 3365)

Dispensary registration process includes a requirement that “the applicant has entered into a labor peace agreement with a bona-fide labor organization that is actively engaged in representing or attempting to represent the applicant's employees” and maintains that agreement.



New Jersey
(N.J. Stat. Ann. § 24:6I-7.2)

Licensing commission must require permit applicants to attestation “stating that the applicant has entered into a labor peace agreement with ... bona fide labor organization.” Includes prioritized review for applicants who are already a party to a collective bargaining agreement.

▶ **IP-35 will align Oregon's cannabis policy with other states**

“The best means of ensuring that workers in cannabis have a voice on the job and can share in the rewards of a newly legalized industry is to safeguard and strengthen the fundamental rights of workers to organize collectively in a union.”

-Ensuring the High Road in Cannabis
Report for the Economic Policy Institute by David Cooper and Sebastian Hickey, September 20, 2021

For many workers, it can't wait.

Many cannabis workers are regularly in contact with hazardous chemicals or work in enclosed spaces with high-capacity electrical wiring as well as watering systems.

Although there are workplace safety regulations in place, the State often lacks the resources necessary to quickly enforce reported violations. Collectively bargained safety standards, on the other hand, allow a workplace union to enforce such standards as a contractual issue. Even the knowledge that the enforcement mechanism is a contractual matter can help spur safer workplace practices.

Measure 119 will help keep workers safe and relieve already-overstretched state enforcement agencies.

QUESTIONS? CONTACT US:

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“One time we were told by a firefighter we needed to leave, and management still told us afterward we should have stayed.” — Katrina



“We have had to move extension cords out from under drips, only to find management moved the cords directly back in the same wet spot.” — Morgan



“[Employer redacted] fails to make sure employees are given the tools to safely handle chemicals. ... The chemical shower has been sitting on the shelf for months now.” — Fernando



“... workers’ primary concern is safety, and while the company has addressed some safety concerns — such as training in the handling of pesticides — others remain. ... the company has not been conducting regular fire drills, even though the electricity they’re using and the tight working conditions create a potential fire hazard.”