

# Cannabis Workers' Rights



LC NUMBER: **LC 3525**

BILL NUMBER: **HB 3183**

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## THE SHORT VERSION

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

## Background

Because many cannabis businesses are vertically integrated from agricultural work to retail, it can be difficult to ascertain whether the National Labor Relations Act begins applying to workers who engage in both retail and agricultural work.

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 bill 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.
- ✓ In return, labor organizations and members may not engage in picketing, work stoppages, boycotts, or any other economic interference with the applicant's business

## WHAT OTHER STATES HAVE DONE:



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

Licensure applicants with more than 20 employees must enter in to 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.

## 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.

This helps keep workers safe and relieves already-overstretched state enforcement agencies.

## Frequently Asked Questions

**Q:** Aren't these employees subject to the National Labor Relations Act already?

**A:** It depends on the employee's duties. Since agricultural workers are not subject to NLRA, some definitely are not. Where it gets murky is where workers are asked to perform some duties that are on the agricultural side and some that are retail. Unlike many other agricultural farm-to-store pipelines, the cannabis industry is more likely to see retail employees performing some agricultural functions and vice-versa.

**Q:** What happens to this measure if a similar or contravening requirement is in a federal bill?

**A:** The most likely scenario is if Congress passes the Cannabis Administration and Opportunity Act with provisions that simply state that NLRA applies to cannabis workers. It is unlikely that Congress would affect state's licensing processes. If the CAO passed with such a requirement, we would review the language and determine if additional state clarification is needed.

**Q:** How would this impact small cannabis businesses?

**A:** It would help their workers stay safe and be fairly compensated. Most impacts would be felt by businesses that are cutting corners on safety issues and trying to skirt wage laws, because their workers would now be able to bargain and ultimately enforce those issues.

"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.”

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