

CONCURRENCE IN SENATE AMENDMENTS

AB 845 (Arambula)

As Amended August 29, 2025

Majority vote

SUMMARY

Requires, upon intake of a complaint from an agricultural employee by any entity within the Labor and Workforce Development Agency (LWDA), the appropriate entities to collaborate with each other and take all reasonable efforts to transmit the complaint to the appropriate entity for processing and investigation. Specifies that the bill is contingent upon appropriation from the Legislature.

Senate Amendments

- 1) Provide that the provisions of the bill are effective upon appropriation by the Legislature.
- 2) Apply the provisions of the bill when any entity within the LWDA receives a complaint from an agricultural employee.
- 3) Add the Department of Industrial Relations (DIR) and the Employment Development Department (EDD) to the list of entities that must collaborate with each other and take all reasonable efforts to transmit complaints from agricultural employees to the appropriate entity for processing and investigation.
- 4) Require that, in transmitting a complaint to the appropriate entity, the transmitting entity not disclose the identity and personal information of the agricultural employee complainant to the extent prohibited by law and without their consent.
- 5) Revise the definition of "agricultural employee" to mean a person employed in any of the following:
 - a. An agricultural occupation, as defined in Wage Order No. 14 of the Industrial Welfare Commission.
 - b. An industry preparing agricultural products for the market, on the farm, as defined in Wage Order No. 13 of the Industrial Welfare Commission.
 - c. An industry handling products after harvest, as defined in Wage Order No. 8 of the Industrial Welfare Commission.
- 6) Require that "reasonable efforts" be consistent with each entity's confidentiality requirements, including, but not limited to, the existing requirement for the Division of Occupational Safety and Health (Cal/OSHA) that the name of a person who submits a complaint regarding the unsafe condition of an employment or place of employment must be kept confidential by the division, unless that person requests otherwise.

COMMENTS

Agricultural work is among the most dangerous in the United States, ranking in the top 10 industries with the highest workplace fatalities according to US Bureau of Labor Statistics data.¹ Agricultural workers are exposed to extreme heat, wildfire smoke and natural disasters more than ever before due to climate change, all while fear of retaliation or deportation prevents many from filing complaints for workplace violations.

This issue was further explored during an informational hearing in 2024 hosted by this Committee. During the hearing, agricultural workers and their representatives shared their experiences in navigating the state's enforcement landscape, and how many barriers – such as lack of awareness of workplace rights, a lack of state employees speaking the same language as workers, distrust of government, belief that state entities provide advance notice to employers, and more – exist that prevent agricultural workers from obtaining assistance from the state.

Agricultural employees' complaints about labor law violations are enforced by different state entities depending on the type of complaint being alleged. For example, Cal/OSHA has jurisdiction over health and safety complaints, the Division of Labor Standards Enforcement (DLSE) has jurisdiction over wage and hour complaints, and the Agricultural Labor Relations Board (ALRB) has jurisdiction over complaints related to collective bargaining and unfair labor practices. This division can be hard to navigate for those unfamiliar with the state's enforcement system, but is especially difficult for agricultural employees given the language and cultural barriers. There have been reports of agricultural employees submitting complaints to the incorrect entity and that entity simply stating that they do not have jurisdiction to investigate, without any meaningful attempt to connect the worker to the appropriate entity or to transmit the complaint to the appropriate entity itself.

A recent report from the University of California, Berkeley Possibility Lab found that a majority of low-wage workers, including agricultural workers, are not even aware of the state government entities tasked with enforcing their rights. In the survey of workers engaged with the state's COVID-19 Workplace Outreach Program, nearly two-thirds of respondents reported knowing of Cal/OSHA, but that was the only labor-related agency that was familiar to a majority of workers. Just 18% of respondents had heard of the DIR, 37% knew of the DLSE and 26% were familiar with the ALRB. Thirteen percent of respondents had not heard of any labor-related agency.²

According to the Author

"Farmworkers exposed to the impacts of climate change should be able to protect themselves from dangerous workplace conditions. Despite worsening environmental shifts, farmworkers report being asked to work in extreme heat and smoke-filled fields. Though advised to remain hydrated to offset these impacts, workers are often subject to lack of cool drinking water, as well as limited restroom and shade access.

¹ US Bureau of Labor Statistics. (2023) "Civilian occupations with high fatal work injury rates." <https://www.bls.gov/charts/census-of-fatal-occupational-injuries/civilian-occupations-with-high-fatal-work-injury-rates.htm>

² Sadin, Meredith and Amy E. Lerman. (2025) "Insights from California's COVID-19 Workplace Outreach Project and the Trusted Messenger Model." University of California, Berkeley, Possibility Lab. <https://berkeley.app.box.com/s/p48sayqa6i0vs40nsaky0kc0rhruba7i>

Language barriers and immigration concerns ultimately lessen trust in the existing state protections and resources that workers are entitled to. AB 845 will require better coordination among the agencies tasked with responding to farmworker complaints to ensure workers receive appropriate information and that their concerns are accurately conveyed and investigated."

The author adds that the measure promotes equity solutions in that "The vast majority of California's agricultural labor force are migrants that speak Spanish and other indigenous languages like Mixteco, Zapoteco, and Triqui, leading to significant difficulties navigating systemic sources of support. Personal accounts from the California Farm Bureau further establish workers' increasing fears of deportation."

Arguments in Support

La Cooperativa Campensina de California, co-sponsor of this measure, states that "the vast majority of California's agricultural labor force are migrants that speak Spanish and other indigenous languages like Mixteco, Zapoteco, and Triqui, leading to significant difficulties navigating systemic sources of support. Farmworkers' increasing fears of deportation have further eroded trust in the state resources they are entitled to. Unfortunately, even when farmworkers overcome these barriers to seeking help, state agencies often do not process or refer complaints if the issue falls outside their jurisdiction. As a result, complaints often fall through the cracks and go unaddressed. AB 845 will require better coordination and information sharing amongst the agencies tasked with responding to farmworker complaints."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) ALRB anticipates annual costs of \$961,000 (Labor Workforce Development Fund).
- 2) DIR would incur first-year costs of \$2.9 million, and \$2.2 million annually thereafter, to implement the provisions of the bill (Labor Enforcement and Compliance Fund).

VOTES:

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Flora, Chen, Elhawary, Kalra, Lee, Ward

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 79-0-0

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen,

Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

UPDATED

VERSION: August 29, 2025

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FN: 0001830