

FACT SHEET

Organizing Rights for Tribal Casino Workers in California

Purpose

The right to organize a union for tribal casino workers in California under the tribal-state Compact is under threat. The Federation will work with our brothers and sisters on potential legislative and executive action to protect this long-established right.

Background

The Sycuan tribe, through their actions at their casino in San Diego, has undermined the Tribal Labor Relations ordinance (TLRO) for all tribes and non-union casino workers in California.

In 2015, Sycuan agreed to its current compact with the State. The Legislature unanimously approved it. That compact includes the TLRO, the mechanism that has provided labor peace on dozens of compacts negotiated over the past 15 years.

But for more than 18 months, Sycuan has been refusing to comply. This means the workers at Sycuan are stuck in limbo. They have no clear organizing rights under the compact. But the consequences go further than Sycuan itself. None of the 14,000 other workers in the 18 other casinos covered by the current TLRO can reasonably expect to exercise the rights putatively afforded them by the ordinance.

The consequences here for the State are profound. If tribal nations can negotiate compacts with the Governor's Office, then seek the approval of the Legislature for those compacts – but subsequently pick and choose the provisions of those compacts by which they will abide – where does that leave things?

Pandemic has made things worse: Despite health and safety concerns from workers and San Diego County health officials, the casino was only shut down for 2 months at the start of the pandemic. One worker told the press in a June 28, 2020 story, that he had had verbal exchanges with non-mask wearers at least 20 times a day. In December 2020, local press reported that, according to county records, 155 people who contracted COVID-19 between late June and mid-December had been at Sycuan Casino within two weeks of being diagnosed.



What Needs to Happen

We need the Governor and the Legislature to act. Going forward, the State should not enter into any compacts without language that imposes stringent remedies if tribes break their promise to the state and fail to comply with the TLRO. This kind of provision is common. The State frequently enters into contracts with a “termination clause” that spells out consequences if the entities with whom the state has contracted breach the contract.

Above all, the Governor should not sign, and the Legislature should not approve, any compacts without strong “remedies” language. The tribes that intend to keep their promise to Californians should have no problem with this.

Support

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