

Senate Judiciary passes union agent-represented worker privilege, bill heads to Senate

CAPT-supported AB 418, introduced by Assembly Member Ash Kalra (D- San Jose), was passed 5-2 by the Senate Judiciary Committee July 2. The bill now heads to the full Senate where it will undergo further analysis. If passed by the Senate, the bill could reach the governor's desk no later than September 13, the last day for each house to pass bills.

The CAPT Board of Directors voted to support AB 418 because it protects communication between an employee and their union representative. Essentially, AB 418 classifies communication between an employee and their union representative as privileged communication. Privilege is an exclusionary rule of evidence that currently protects eleven classes of communication from disclosure to opposing parties and entered into evidence in legal proceedings.

Most employees are unaware that there is currently no state statute that makes their communications with their union representative privileged, which undermines the value of an employee's right to union representation for workplace discipline or grievance matters.

Under current law, an employer or another litigant can subpoena internal union documents during discovery. Unions would then be required to disclose sensitive communications with the member, putting an unfair and unnecessary strain on labor relations and a union's ability to properly represent their members without fear of possibly having to disclose the information in subsequent litigation or face legal jeopardy for refusing to do so.

CAPT believes an evidentiary privilege between workers and union representatives is necessary to ensure the safe, private, and full disclosure of workplace concerns and needs. CAPT will keep you posted as this bill moves through the legislative process. If you have any questions or concerns, contact CAPT Consultant Coby Pizzotti at **1-(800) 677-2278**.

