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Farm Employers of Migrant Workers Must Follow Specific Safety Rules

Worker safety in agriculture in Minnesota is governed by few regulations compared with many other large industries, according to a farm safety and health specialist with the University of Minnesota's Extension Service. John Shutske says the two exceptions are the regulations that pertain to restricted use pesticides and those that employers of migrant and seasonal agricultural workers must follow.

"Since the majority of farmers in Minnesota use some type of crop protection product on their land, there is good awareness about pesticide safety practices," says Shutske. "Most producers are keenly aware of the state and federal regulations for pesticide use. However, there is a lack of information about the basic regulations that have been put into place to protect the health and safety rights of the state's estimated 20,000 migrant farmworkers and their families. Often, workers themselves are not aware of their rights under these regulations."

Federal Department of Labor standards that have been around for more than 20 years state every worker in the U.S. has the basic right to work in an environment that is free of recognized hazards likely to cause serious injury or death. Minnesota state law also

requires that all businesses, including farms with employees, have a written safety program in place. This program must specify the measures farm employers will take to prevent worker injuries and health problems, including proper training and hazard identification.

"If an OSHA inspector visits a farm or other agricultural workplace that employs migrant workers, this written safety plan is likely to be the first thing they will ask to see," says Shutske. He adds that the two standards most often cited by OSHA inspectors are the ones that cover housing conditions in temporary migrant worker labor camps and the field sanitation standard. The field sanitation regulation specifies that workers must be provided with toilet and washing facilities in the fields they are working. A review of OSHA's federal database shows that there were 275 citations issued in the U.S. in 1995 when these two standards were violated by employers of migrant workers.

Migrant and seasonal farmworkers also have specific rights granted in the "Migrant and Seasonal Agricultural Worker Protection Act" through the Labor Department. The act specifies that all labor contractors or "crew leaders" be registered by the U.S.

Department of Labor. The act also specifies that workers have the following rights:

- * To receive accurate information in their language about wages and working conditions before beginning work.
- * To have farm labor contractors show proof of their registration at the time workers are recruited.
- * To be paid agreed-upon wages when due (at least minimum wage).
- * To receive itemized, written statements of earnings and deductions for each pay period.
- * To purchase goods such as household supplies and food from sources of their choice.
- * To be transported in vehicles that are properly insured and operated by licensed drivers, and that meet federal and state safety standards.
- * For migrant farmworkers who are provided housing:

- To be housed in a property that meets federal and state safety and health standards.
- To have the housing information (including cost, if any) presented to them at the time of recruitment. For more information about complying with various safety and health standards, contact the Minnesota Department of Labor and Industry at (612) 296-2116. Additional information, including posters and other publications describing the Agricultural Worker Protection Act, is available from the U.S. Department of Labor's Wage and Hour Division at (612) 370-3371.

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