

## **Additional Information on the Farmworkers Fair Labor Practices Act**

### **Key Provisions: Farmworkers Fair Labor Practices Act**

*New York's farmworkers form the backbone of the state's multi-billion dollar agricultural industry, but these workers are excluded from basic labor law protections under state and federal law.*

*This statutory relic of the Jim Crow era deprives tens of thousands of farmworkers of the rights that other workers take for granted.*

*The Farmworkers Fair Labor Practices Act would end this injustice. This new law would:*

- Establish an 8 hour workday for farmworkers
- Provide farmworkers overtime pay of at least time and one half after 8 hours of work
- Allow farmworkers one day of rest each week, which they may decline
- Give farmworkers the right to organize and bargain collectively for the purposes of representing and protecting their interests
- Ensure that farmworker housing facilities meet basic standards under the Sanitary Code, including: structurally safe buildings, clean water, adequate light and ventilation, and facilities for sewage disposal
- Require a foreman or supervisor who learns that a farmworker is injured on the job to inform the farm owner of that injury
- Allow farmworkers to receive disability benefits when unable to work due to non-job related sickness or injuries
- Prohibit employers from discharging or discriminating against a farmworker who attempts to seek workers' compensation for injuries suffered on the job by requesting a claim form
- Require the posting of a notice in English and Spanish that informs farmworkers of their right to workers' compensation benefits, as required by law

## **Answers for Some of the Questions about the Farmworkers Fair Labor Practices Act**

**Overtime Pay:** Unlike other hourly workers, farmworkers do not have the right to “time and a half” after 40 hours a work per week. Dairy farmworkers regularly work much more than 40 hours per week, sometimes 60 or more hours.

Farmworkers who harvest fruits and vegetables like apples and sweet corn are usually not paid by the hour, but by piece rate. They earn a few cents for each bin they pick or crate they pack. By law their weekly pay has to be at least equivalent to the minimum wage for the number of hours they work per week. They often exceed that minimum wage rate because they can skillfully pick very quickly and efficiently. Similarly, were they to be entitled to overtime, their weekly pay would have to be at least equivalent to minimum wage for the first 40 hours of the work, then to time and a half for the hours after 40.

**Support for Farmers:** We know that opposition to the **Farmworkers Fair Labor Practices Act** stems from concerns about the costs it might incur for farm owners. We recognize that many farms, particularly small family farms, are facing financial difficulties. The New York State Catholic Conference and our Diocese have long supported legislation to help farmers. With our support a recent NYS bill was passed and signed into law to provide tax credits to farmers who donate their products to food pantries. We’ve also worked to pass legislation to provide farmers with incentives to preserve farm land. We urge the state legislature to address issues of New York State agriculture while at the same time supporting the basic rights of farmworkers. We can do both! Farmworkers deserve equal labor rights and farmers deserve support to keep doing their important work.