



Standing for dignity in the workplace

March 8, 2021

Chair Holvey, Vice-Chairs Bonham and Grayber, Members of the House Business and Labor Committee,

I write in strong support of HB 2358, the Farmworker Overtime bill. The Northwest Workers' Justice Project provides legal representation to low-wage workers throughout the economy including agricultural workers.

Many of our clients are farmworkers who lack the basic protections that almost all other workers enjoy. The reason that the Fair Labor Standards Act created a right to overtime in 1938 was to ensure that workers who work long hours are compensated for those long hours. There is no logical reason for farmworkers to be left out. As others who are testifying today will tell you, the reason for this omission is racism.¹

Oregon should lead the way in treating farmworkers at least as well as other workers. Time and time again, farmworkers are treated differently, and worse. For those of us working to fight for farmworkers' rights, the legal landscape feels separate and unequal. Though we are not discussing other distinctions today, it is important to note that some farmworkers do not make minimum wage. Farmworkers do not have the right to organize under the National Labor Relations Act. Requiring employers to pay farmworkers overtime after 40 hours is a step we can take right now to prove that farmworkers are indeed essential, valued workers in Oregon.

We should value farmworkers as we value other workers. If a non-agriculture worker calls our office, we can tell them they have a right to overtime pay after 40 hours in a week. We can tell them about the robust penalty structure in Oregon law for violations of the overtime law, a structure that has been in place for over half a century. We can help them demand their overtime wages and penalty wages. This shows workers they are valued and their labor is valued.

The message we send to farmworkers is the opposite: though farmwork is one of the most hazardous jobs according to the CDC², it also has some of the lowest

¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2205898

² <https://www.cdc.gov/niosh/topics/aginjury/default.html>

compensation of any industry.³ The national median income for a full-time farmworker in 2019 was \$25,840.⁴ This compares to the median annual wage for all workers in 2019 of \$39,810.⁵ That means **a farmworker makes 65% of the median income for full-time work.** There is no reason that one of the most challenging and dangerous jobs in the country should receive significantly less pay than other jobs including salespeople, telemarketers, hairdressers and many others.⁶

Please vote yes on HB 2358 to help build an Oregon where farmworkers are valued and compensated at least as fairly as other workers.

Thank you.

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³ https://www.bls.gov/oes/current/oes_nat.htm. Arrange columns by annual mean wage.

⁴ <https://www.bls.gov/ooh/farming-fishing-and-forestry/agricultural-workers.htm>

⁵ *Id.*

⁶ https://www.bls.gov/oes/current/oes_nat.htm