



Extending overtime pay for farmworkers in Oregon

BACKGROUND

The 1938 Federal Labor Standards Act (FLSA) and the 1983 Migrant and Seasonal Agricultural Worker Protections Act (AWPA) fail to guarantee overtime pay for farm workers despite working in one of the most dangerous job industries. As a result, these workers are more vulnerable to exploitation of their labor and experience economic hardship. The current pandemic highlights the crucial role that agricultural workers have in our society, yet they continue to be excluded from basic labor standards. **Oregon lawmakers have the opportunity in leading the path towards extending overtime pay for our essential farmworkers.**

OVERVIEW:

There are approximately 174,000 migrant and seasonal farmworkers in Oregon.¹ Currently, farmworkers in Oregon are excluded from overtime pay despite being recognized as essential workers. Farmworkers are some of the lowest paid workers. On average, farmworkers are estimated to make between \$17,500 to \$19,999 a year and cannot afford to miss a day of work even if it puts their health at risk.² Despite this, farmworkers are not eligible for overtime pay of 1.5 times the regular wage for every hour worked after 40 hours in a week. There are a few states that have some sort of overtime pay guarantee for agricultural workers such as: California, Washington, and New York. **Extending overtime pay for farmworkers in Oregon is necessary to improve their economic security.**

¹ Oregon Health Authority, Vital Role of Migrants in the State Economy <https://www.oregon.gov/oha/HPA/HP-PCO/Pages/Migrant-Health.aspx>

² Hernandez and Gabbard, 36. https://www.dol.gov/sites/dolgov/files/ETA/news/pdfs/NAWS_Research_Report_13.pdf

SOLUTION:

In a year filled with pandemic, catastrophic fires, and hazardous air quality levels, farmworkers continued to work and ensure we have food available. It is time that we demonstrate our commitment to economic security for all of our workers by extending overtime pay to farmworkers through HB 2358.

Solution: HB 2358

- Guarantees overtime pay for agricultural workers after 40 hours in a workweek at one and one-half times the employee's regular rate of pay.
- Applies to hourly and piece-rate agricultural workers.