

Submitter: Elizabeth Gerardo  
On Behalf Of:  
Committee: House Committee On Business and Labor  
Measure: HB4002

Date: February 4, 2022

To: House Committee on Business and Labor

From: Elizabeth Gerardo, MPH Student at OHSU-PSU School of Public Health

Re: Support for Farmworker Overtime

Good afternoon Chair Holvey, Vice Chairs Bonham and Grayber, and Members of the House Business and Labor Committee:

For the record my name is Elizabeth Gerardo. I am a MPH Public Health Practice student at the OHSU-PSU School of Public Health with 12 years of experience working in the field of public health. I would like to express my support for HB 4002, which proposes overtime pay for farmworkers of Oregon for work that extends beyond 40 hours in a workweek.

First, it is important to acknowledge the historical context of the exclusion of farmworkers from overtime compensation. The 1938 Fair Labor Standards Act explicitly states its purpose to eliminate the conditions that substantially curtailed workers' employment and earning power (1).

However, the federal policy contained racist exclusions of farmworkers and domestic workers to deny workers of color the protection awarded by this legislative measure. The racist politics of this legislature persist, to this day, in the exclusion of farmworkers from overtime pay. I urge you to act against this historic injustice by voting in favor of HB 4002.

I understand you must consider the economic impact of this bill. I would like to emphasize that the budgetary ask of this bill is tied to a state-funded employer tax credit to offset economic disturbance to farm owners. Additionally, I feel compelled to call attention to the fact that recent passage of similar legislature in the states of Washington and California were successful without an employer tax credit. The proposed text of this bill is a result of difficult compromises made by stakeholders of opposing stances. There is no intent to collapse the agricultural industry however, we cannot continue to endorse profit resultant from the subjugation of farmworkers. When you consider the economic impact of this bill, consider the impact on the health and well being of the 86,389 migrant and seasonal farmworkers in agricultural employment in Oregon. Consider the impact to the additional 86,222 non-farmworkers in their households (2).

In the current context of a global pandemic, we have publicly praised farmworkers for their continued dedication to the essential work of feeding Oregonians. Their labor directly safeguards our food supply yet our legislation fails to award this population fair wages for their work. Legislation to protect these workers is not convenient, it is necessary and long overdue. I urge you to act in support of fundamental human rights and equality by voting in favor of HB 4002.

Sincerely,  
Elizabeth Gerardo

1. Act of June 25, 1938 (Fair Labor Standards Act), Pub. L. 75-718, 52 Stat 1060, June 25, 1938, p. 1060
2. Rahe, M. (2018). Estimates of Migrant and Seasonal Farmworkers in Agriculture, 2018 Update. Oregon Health Authority, Public Health Division, Health Policy and Analytics Division.