



Farmworkers and Latinx Families United

February 8, 2022

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

My name is Reyna Lopez, I am the President of Pineros y Campesinos Unidos del Noroeste, Oregon's Farmworker Union. PCUN represents 6,793 members, and we work in a network of 11 sister organizations, and a coalition of 95 organizations who represent Oregon's diverse and proud farmworker community in every corner of our state.

I join you today after years of listening and learning about the issue of overtime for Oregon farm workers, including bills proposed in the Oregon Legislature, hearings, and detailed, thoughtful work groups. We are thankful for the opportunity to represent farmworkers and glad to be part of the conversation about helping small and medium sized farms thrive as Oregon makes the transition to ensuring overtime pay for farmworkers.

Farmworkers do the important and often dangerous work that fuels one of Oregon's largest economic sectors, putting food on tables and proving Oregon's power as an agricultural state ready to compete on an international stage. Rain or shine, in the snow and in the heat, farmworkers show up to Oregon farms as their workplaces, picking fruit, tending to livestock, and plowing fields. Yet despite their tireless work, farmworkers are denied overtime pay in our state, based on the Fair Labor Standards Act that exempted farmworkers from overtime protections.

We believe that everyone deserves equal pay, and House Bill 4002 ensures farmworkers are paid overtime beginning at 40 hours like every other Oregon worker. PCUN supports legislative efforts to secure overtime protections as soon as possible. We also hear growers that said they need time, that is why we have always been open to a transition period. PCUN's bill originally mirrored Washington's phase-in with a 3-year phase in. Five years is a long time for workers to keep waiting, and we hope it's acknowledged that we have compromised. We also acknowledge that tax credits, and focusing on the phase-in can be a place where we can be responsive to some needs, and concerns. By passing House Bill 4002, Oregon will join our neighboring states of Washington, California, and five others that have voted to require that farm workers be compensated for overtime work.



As you will hear in the testimony that follows, and as I'll share in my written testimony, the overtime exclusion has monumentally negative impacts on the health, life expectancy, and well-being of Oregon farmworkers. I can't explain to you in four minutes the gravity of this problem, but what I would draw your attention to is the 107+ submitted testimonies on the record tonight from people who do this job day in, and day out, who can illustrate for you what this work is like and the impacts of our overtime exclusion on farmworkers and their families. And I would ask that you read them.

HB 4002 also includes a refundable tax credit that will support Oregon farms over the transition period, starting in 2023 and ending in 2026. This refundable tax credit will be more generous to Oregon farms with 25 or less employees as we heard in LPRO's presentation. This will support farmers during this important and critical transition time.

I'd like to ground us on why overtime laws exist and how the issue of overtime pay came up for PCUN. Overtime laws exist because the risk of injury and wear and tear to workers rises if they work past a reasonable limit, and because people's lives should include time for rest, family and off-the-job needs. Despite doing one of the most hazardous jobs in the entire U.S market¹, our 86,240 farmworkers in Oregon are not eligible for basic overtime pay protections² – a right that many workers in Oregon and across the nation were granted 84 years ago.

So in 2019, farmworkers members brought up the issue of overtime pay at our annual membership convention. Farmworkers asked why they were not afforded the same overtime protection as other workers, despite the important skilled and backbreaking work they do. That year, we received a directive from our members to end this racist exclusion at the state level.

The exclusion of farmworkers from our federal overtime protections was intentional. Their exclusion from the Fair Labor Standards Act of 1938 is part of the shameful legacy of racism that initially targeted the 85 percent of southern African Americans who were farm workers in the 1930s. Today most farm workers are Latinos. Excluding farm workers from overtime was wrong in 1938; it is still wrong today. Farmworkers, who earn a median annual salary of \$28,000K³, have worked to feed Oregon families through a pandemic, catastrophic fires, hazardous air quality levels, and dangerous heat waves. Many have talked about farmworkers

¹ U.S. Bureau of Labor Statistics, "Table 1. Incidence rates of nonfatal occupational injuries and illnesses by industry and case types, 2019," in *Injuries, Illnesses, and Fatalities*, U.S. Department of Labor.

² OSU Enumeration Study 2018

³ U.S Bureau of Labor Statistics



being “essential workers,” but are we treating them as essential when their quality of life and life expectancy is at risk?

Overtime laws are not just about pay or equal treatment. In fact, they are far more so about health, safety, and quality of life. A recent report from OHSU shows that long hours increase the rates of injury and mental health stress and impact the workers’ families and quality of life. Farmworkers cannot afford to keep mandatory but uncompensated overtime that increases the chances of developing serious pain and injuries. The least we can do for these essential frontline workers is provide the overtime protections they deserve, and that other states like Washington and California are already providing.

While neither this Legislative Assembly nor this committee created this exclusion, you have the opportunity today to move forward in passing House Bill 4002 and end this exclusion once and for all. I urge you to vote yes for House Bill 4002 and send this bill to the House floor, then onto the Senate, and mark in history the 2022 Legislative Assembly the body that voted YES to pass overtime protections for Oregon’s farmworkers, ending the exclusion once and for all in our state.

Thank you.

Reyna Lopez, Executive Director
PCUN, Oregon’s Farmworker Union