

- Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination based on race, color, religion, sex, or national origin.
- The Equal Pay Act of 1963 (EPA) protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.
- The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older.
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA) prohibit employment discrimination against qualified individuals with disabilities.
- The Civil Rights Act of 1991, among other things, provides for monetary damages in cases of intentional employment discrimination.

Although farm employees are excluded from protection under the National Labor Relations Act, laws in several states define and protect worker rights to collective bargaining in agriculture. Among the western states, Arizona, California, and Hawaii have labor relations laws in place that apply to agricultural employment.

### **Health and Safety**

Agricultural workers are covered in various degrees by workers' compensation laws in 40 U.S. states or territories, 14 of which (including Arizona, California, Colorado, Hawaii, Idaho, Montana, and Oregon) treat them the same as all other employees and 26 of which limit coverage in ways not applicable in other industries. The 13 jurisdictions with no statutory prescription allow for voluntary coverage of agricultural workers. Specifics are outlined on the U.S. Department of Labor website, linked from *AgHelpWanted.org*.

Worksite safety is regulated by the federal Occupational Safety and Health Act (OSHA) and counterpart state laws. Both levels require the employer generally to make the workplace safe and healthful for employees, and to identify and eliminate conditions that present health hazards. OSHA makes employers responsible for providing safeguards and services to workers on the job or living in employer-provided housing. These laws commit an administrative agency to establishing and enforcing specific safety standards. OSHA is administered by the Occupational Safety and Health Administration, U.S. Department of Labor. State safety laws are typically administered by a division in the state Department of Labor or Industrial Relations.

Additional statutes and agency regulations relate to particular types of occupational safety and health hazards. Child labor laws give extra protection to

minors by limiting both the type and hours of farm work they may do. Detailed Environmental Protection Agency rules that govern agricultural chemical use across the country now require worker training, field posting, and several other specific measures to reduce the risks of pesticide injury and illness. References and discussion about the Worker Protection Standard for Agricultural Pesticides are available at the WPS forum site, linked to *AgHelpWanted.org*.

Federal law requires employers of 11 or more field workers to provide toilets, drinking water, and handwashing facilities to hand laborers in the field; to provide each employee reasonable use of the above; and to inform each employee of the importance of good hygiene practices and sanitation facilities. Information is available through *AgHelpWanted.org*. Some states hold all employers, regardless of workforce size, to similar “field sanitation” requirements.

Since 1995, U.S. Department of Transportation (DOT) regulations have mandated that all workers who possess a commercial driver’s license and perform “safety-sensitive” functions — defined as “operating a vehicle over 26,000 pounds or towing a vehicle over 10,000 pounds,” must be tested periodically for alcohol and controlled substances (marijuana, cocaine, opiates, phencyclidine [PCP], and amphetamines). One-fourth of the covered workers in the workplace must be tested each year for alcohol and half for controlled substances.

In recent years, the employee’s right to be free of sexual harassment has been clarified under federal and state laws, and employers are now legally obligated to make the workplace safe in this respect. Employers are encouraged, and in some states specifically required, to write a nonharassment policy, post a no-harassment notice, give each employee a copy of information on sexual harassment, and provide for receiving and investigating all allegations of sexual harassment. Brochures to help in both English and Spanish are online through *AgHelpWanted.org*. Recent federal court cases indicate that employers may prevail in defending against sexual harassment charges if they can show having communicated and properly implemented an anti-harassment policy.

Despite all these laws and the efforts of employers and employees to prevent accidents, occupational injuries and illnesses do occur. Farm employers are required to help workers obtain medical attention when injured on the job and to record and report serious accidents.

### **Compliance Information**

State and federal agencies offer pamphlets and forms, printed as well as electronic, in addition to those cited above to help orient new employers and assist all employers to meet their legal responsibilities. Virtually all materials are now accessible through websites. A page of links to helpful federal agency sites is at *AgHelpWanted.org*.