

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*.

One particularly pertinent source of information is *A Summary of Federal Laws and Regulations Affecting Agricultural Employers, 2000*, Agricultural Handbook No. 719, by Jack Runyan, USDA Economic Research Service, available in hard copy or online at *AgHelpWanted.org*. This single publication summarizes the federal laws and regulations governing agricultural employment, taxes, wages, and working conditions, with specific sections on:

- Fair Labor Standards Act
- Occupational Safety and Health Act
- Federal Insecticide, Fungicide, and Rodenticide Act, including the Worker Protection Standard for Agricultural Pesticides
- Migrant and Seasonal Agricultural Worker Protection Act
- Immigration Reform and Control Act of 1986
- Workers' Compensation
- Family and Medical Leave Act
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- Federal Laws that Assure Equal Employment Opportunities—Equal Pay Act, Civil Rights Act, Age Discrimination in Employment Act, Americans with Disabilities Act
- Major Federal Employment Tax Laws—Federal Insurance Contributions Act, Federal Unemployment Tax Act, Income Tax Withholding, and Factors Weighed in Determining Whether a Worker Is an Employee or an Independent Contractor for Tax Purposes

The federal Occupational Safety and Health Administration, counterpart agencies in many states, nonprofit educational organizations, and commercial service firms offer help to employers in meeting their obligations to provide a safe and healthful workplace. Compliance assistance and copious reference material from OSHA is available through *AgHelpWanted.org*. Free services and material advertised by one state consultation unit include:

1. Health and safety audit
2. Support to develop a safety program for a particular operation
3. On-site training for employees and staff at your request
4. Seminars for owners, managers and supervisors regarding:
 - Accident investigation
 - Workplace inspection
 - Health and safety management
 - Supervisor training
 - Workplace Hazardous Materials Information System (WHIMS)
 - Joint health and safety committee
 - General safety topics to suit operational needs





5. Health and safety literature, films, and videos
6. Topical fact sheets
7. Accident statistics
8. Health and safety guidelines for greenhouses, mushroom, and poultry sectors
9. General health and safety guidelines for agriculture
10. Agricultural health and safety programs for children
11. Volunteer health and safety associations

The *Farm Labor Contractor Safety and Health Guide* is an outstanding, free resource for safety planning, hazard identification, and worker and supervisory training in any agricultural production firm. Available in both English and Spanish, and downloadable along with other publications through the *AgHelpWanted.org* site, its fact sheets and checklists lend easily to use in tailgate training sessions.

The U.S. Department of Labor maintains a directory of state labor agencies, including addresses, phone numbers, and websites of commissioners, directors, and secretaries. It also offers comparative summaries of state labor laws regarding minors (including provisions specific to agriculture), rest and meal periods, paydays, right-to-work, and more, see *AgHelpWanted.org*.

The lists on the following pages (of federal agency sources and western state agencies that administer employment laws and programs) and links to an abundance of required workplace notices and posters are also available online at *AgHelpWanted.org*.

Selected Federal Agency Sources

Laws and Regulations in Agricultural Employment

U.S. Department of Agriculture, Economic Research Service

- Summary of Federal Laws and Regulations Affecting Agricultural Employers, 2000, Agricultural Handbook No. 719, by Jack Runyan

U.S. Department of Labor (DOL)

- Compliance Fact Sheets, Employment Standards Administration
 - Among titles of interest to farm operators are those explaining the H-2A program, coverage of the Fair Labor Standards Act, the employment relationship under FLSA, and joint employment under the Migrant and Seasonal Ag Workers Protection Act.
- Migrant and Seasonal Agricultural Worker Protection Act (MSAWPA)
 - A readable summary and link to text of law, from the DOL Small Business Handbook
- The H-2A Program for temporary employment of nonimmigrant workers in agriculture, a summary from the DOL Small Business Handbook
- All about the Minimum Wage—federal and state
 - Includes specifics regarding recent raises, the history of the minimum wage, the new workplace poster, and a detailed compendium of state minimum wage laws
- Comparative summary of state labor laws
 - Includes minors, rest and meal periods, payday, right-to-work, and more
- Workers' compensation coverage of agricultural workers, state by state

- elaws (Employment Laws Assistance for Workers and Small Businesses)
 - An interactive system to assist on laws enforced by DOL

Occupational Safety and Health Administration (DOL agency)

- Ergonomics help
 - Many references to help in understanding ergonomics and preventing repetitive stress injuries; includes the working draft of a proposed national standard
- Workplace violence references

U.S. Environmental Protection Agency

- Laws and Regulations
- Worker Protection Standard information

Immigration and Naturalization Service (U.S. Department of Justice)

- Form I-9, with instructions
- Office of Business Liaison, information for employers
- Guide to Selected U.S. Travel/Identity Documents
- News on enforcement of I-9 employment eligibility requirements

Social Security Administration

- Employer reporting instructions and information
- What employers and employees need to know
- Información en Español
- Employee verification service
 - For help in checking employee names and social security numbers against SSA records

- More about verifying employees' names and SS numbers (SSA Region 9)

Internal Revenue Service

- Farmer's tax guide
- Small business corner

U.S. Department of Transportation (DOT)

- Office of Drug and Alcohol Policy and Compliance
DOT unit responsible for policy, guidance, and consultation on drug and alcohol issues in the transportation industry. Nice set of links to drug testing rules and resources.
- Regulations on transportation of migrant workers (DOT Motor Carrier Safety Administration)

Equal Employment Opportunity Commission

Includes links to full text of laws enforced by the EEOC, including Title VII of the Civil Rights Act, the Equal Pay Act, the Age Discrimination in Employment Act, the Rehabilitation Act, and the Americans with Disabilities Act. Interesting sections on enforcement, litigation, and employer responsibilities under the ADA.

National Labor Relations Board

Other Agricultural Employment-Related Information

Federal Government Website Locator

Extensive, well-structured links to federal sites; from the Center for Information Law and Policy

U.S. Department of Agriculture

- USDA Agricultural Labor Affairs Coordinator
- National Agricultural Statistics Service
- Economic Research Service, Briefing Room on Farm Labor

U.S. Department of Labor

- National Agricultural Workers Survey
Unique source on demographics, working and living conditions of U.S. farm workers
- National Farmworker Jobs Program, Employment and Training Administration
Created by Workforce Investment Act to assist seasonally-employed farm workers through job training and related services

General Accounting Office

Investigative arm of Congress that examines matters relating to the receipt and disbursement of public funds and that performs audits and evaluations of government programs and activities.

Stat-USA, U.S. Department of Commerce

Business, economic, and trade information gathered from hundreds of other offices and divisions of the Federal government.

U.S. House of Representatives

U.S. Senate

Government Printing Office

Congressional Research Service reports



Information Sources on Employment Law in the Western States

Alaska

Department of Labor and Workforce
Development
www.labor.state.ak.us/

Arizona

Employment Security Administration Department
of Economic Security
www.de.state.az.us/links/esa/index.html

Labor Department
www.ica.state.az.us/Labor/labortop.htm

California

Employment Development Department
www.edd.ca.gov/

Department of Industrial Relations
www.dir.ca.gov/

Colorado

Department of Labor and Employment
www.coworkforce.com/

Hawaii

Department of Labor and Industrial Relations
www.dlir.state.hi.us/

Labor and Occupational Information
www.state.hi.us/dlir/rs/loihi/

Idaho

Department of Labor
www.labor.state.id.us/

Montana

Department of Labor and Industry
dli.state.mt.us/

Nevada

Department of Employment, Training and
Rehabilitation
detr.state.nv.us/

Labor Commissioner
labor.state.nv.us/

New Mexico

Department of Labor
www.state.nm.us/dol/dol_home.html

Oregon

Employment Department
www.emp.state.or.us/

Bureau of Labor and Industries
www.boli.state.or.us/

Utah

Department of Workforce Services
www.dws.state.ut.us/

Labor Commission of Utah
laborcommission.utah.gov/

Washington

Employment Security Department
www.wa.gov/esd/

Department of Labor and Industries
www.lni.wa.gov/

Wyoming

Department of Employment
wydoe.state.wy.us/

Basic Labor Standards under Wyoming Law
wydoe.state.wy.us/doe.asp?id=258
(URLs as of August 2002)