

AWWC - Committee Member Survey - Results

Part 1 – Gaps, Issues, and Concerns

Difficulty connecting workers with support

- Vulnerable workers will not utilize the processes we have in place to raise issues about wellness, health, and safety
 - Government unease/mistrust
 - Workers are often afraid to speak out particularly if not in a union setting
 - Retaliation concerns remain
 - This is a problem particularly when there is a language barrier.
- Language barriers/communication difficulties
 - Government, healthcare, systems, and businesses historically rely heavily on written communication, primarily accessible in scholarly English.
 - Lack of translation resources (not just Spanish)
 - Reading abilities
 - Lack of a robust recruitment apparatus to adequately conduct bilingual outreach to agricultural workers.

“Any policy proposals or changes in worker rights and protections are fundamentally dependent on whether workers actually know about their rights and the resources available to them. Agricultural workers are isolated and often work long, exhausting hours. Outreach workers must be able to visit workers at their homes and provide information and education.”

Lack of information/data about workers

- The lack of full account of agricultural workers is always an issue that has to be addressed
 - Number of workers
 - Locations
 - Housing conditions
 - Correct identification: Seasonal, permanent and immigrant workers
- Concerned employers are not reporting all the information related to undocumented workers in MN
- Shared data would help address this gap
 - In particular, year-round ag employees (ex. dairy workers) and non-migrant seasonal workers are difficult to locate, and therefore educate, due to the lack of data—data which is captured for the H-2A and migrant programs.
 - Data related to arrivals, employers, housing, and work schedules.

“Minnesota agencies and non-governmental organizations need a unified, comprehensive database of agricultural worker data...”

Lack of coordination between government, advocates, and employers

“Minnesota has good laws, agencies, and personnel policies, we should make sure those are known, understood, and working (or not) before devising new ones.”

- It is hard to navigate the maze of authority over workers and worksites
 - Lack of clarity around housing regulations
- Regulatory authority exists among numerous agencies and there is a lack of regular coordination
- There also seems to be a gap in communication between workers, unions, and certain companies.
 - Example: I'm not sure if it is cultural, superstition, fear of job loss, actually ignoring complaints (by companies) or what. Many of the complaints about worker safety this past year were about the same two companies, while other companies got HIGH MARKS from unions, communities, and workers alike.
- Longer term, a cultural shift is needed (rather than just laws and policy).

“If current laws aren't working, perhaps the gap isn't in policy it's in process, procedure, and community. The companies, the communities, and the workers (and our industry) should be motivated and excited to solve the issues and build a stronger pipeline of workers and improved health and wellness programs for workers and will need to devote our full attention to that. Building bridges with each other within this committee will be a great first step. Then we need to carry it to the companies.”

Concern #2 – Housing

- Persistent and pervasive health & safety issue
- Overcrowding
- Substandard conditions , have fallen into disrepair
- Lack of housing options in rural areas
- Easy for disease to spread (like COVID-19)
 - Harmful to workers, costly to healthcare system, disrupts ag operations
- This is a complex issue that will take a lot of time, energy and coordination
- Thorough, in-person inspections of H-2A housing would help catch some housing issues before they arise.

Concern #1 - Lack of enforcement of existing workers' rights and safety regulations

- Need to make sure that existing healthy and safety regulations are being implemented properly, measured and monitored, and adjusted as times change.

Example 1:

- Federal standards mandate that DEED inspect all H-2A housing in Minnesota. However, DEED only has one employee to inspect all 153 H-2A employers in the state – ***“It is not physically possible for one person to inspect each location annually.”***
- Relying on employers to self-report and self-police can reduce the need for more staff, but presents a conflict of interest.

Example 2:

- Minnesota’s migrant labor statutes, Minn Stat. 181.85-181.89, provide specific protections to a limited category of migrant agricultural workers in Minnesota. However, these statutes do not explicitly provide jurisdiction to any state or local agency, such as MN Department of Labor and Industry, to enforce these statutes. Further, these statutes, as written, only appear to apply to migrant cannery employees but not to other agricultural workers in Minnesota, since the statute limits application to employers who “[process] fruits or vegetables” and who employ “more than 30 migrant workers per day.”
- The statutory penalties in Minn. Stat. 181.89 have not been adjusted for inflation since the statute was enacted in 1981. Using an inflation calculator at the Bureau of Labor Statistics (https://www.bls.gov/data/inflation_calculator.htm), a penalty of \$500 in 1981 would total over \$1,500 in 2021 if adjusted for inflation. Updated penalties would reflect the true cost of harm inflicted on agricultural workers and more fully compensate workers.

Example 3:

- Minnesota does not have a statute that gives non-governmental outreach workers, migrant education staff, and health service representatives a right to access agricultural workers while they are residing at employer-provided housing.
- States, such as Wisconsin (Wis. Stat. § 103.925) and Pennsylvania (Seasonal Farm Labor Act, 1978 Act 93 Ch. 4), have enacted right-of-access statutes that Minnesota could model.

The consequence of little to no proactive enforcement of existing laws makes it a complaint-based system where the responsibility falls to the employee or their advocate to file complaints. There are many barriers to workers taking action.

Part 2 – Successes, Data, and Goals

Current success that this Committee could possibly leverage

- Agencies, Programs, and Coalitions
 - Minnesota Head Start
 - DEED Migrant Labor Representatives
 - Minnesota Migrant Services Consortium
- Employers
- COVID-19 Response
 - Coordination that happened between multiple state agencies and local public health staff to respond to COVID-19 clusters
 - Coordination and outreach efforts around COVID-19 vaccination
- Other models
 - Wage Theft Unit created within the Attorney General’s Office

“Unions and worker safety experts consistently sing the praises of one of the employers in Austin, MN”

“Coalitions, like the Minnesota Migrant Services Consortium, have established a multidisciplinary, multi-stakeholder partnership to share information, provide updates, and collaborate on reaching workers and addressing their needs. A broad coalition like this should be leveraged to share data on agricultural employers, worker housing locations, worker arrivals and departures, and to coordinate outreach efforts as needed.”

Sources of current data that could help this Committee’s work

- The impact of COVID-19
 - MDH data on COVID-related outbreaks and clusters
- Labor and worker safety issues
 - DLI
 - Law Centers and organizations like the Chamber
 - Unions
 - Community organizations
- Usage rates of current programs
 - Migrant Education Program (DoE)
 - HACER

- SMRLS
- CLUES
- COPAL
- Location/geographic distribution of workers
 - Maps of known employer locations from MDH

“Community organizations and unions hear first hand accounts of worker fears or feelings of not being treated fairly.”

“Other community organizations (HACER, SMRLS, Clues, Copal) may have some data about usage of their programs.”

Other information that could help inform the Committee

- Information on fellow Committee members
 - Knowing fellow members’ biographies, organizations they have worked for, and their roles
 - Contact information for members to reach out to each other with specific problems or issues
- Housing inspection data
- Compiled list of the laws and regulations that impact these populations
- More complete accounting of the workers and their MN employers
- Centralized database for the information

“A central database would be important, collecting information from different departments, or agencies working with agricultural workers in the state.”

Visions of successful Committee end points

- Having more accurate data for these worker populations
- Continued and expanded cooperation
 - Mechanism to communicate, identify needs, and connect them with resources
 - Foundation for progress as other issues arise
- Concrete legislative proposals and policy actions that improve worker wellness
 - Improving proactive enforcement capabilities

- Expanding migrant labor statute’s scope and penalties
- Improving housing standards and inspections
- Codifying access to worker housing by agencies that provide assistance (healthcare, education, legal aid, religious services)
- Measured improvements in worker wellness
 - Improved or reduced health and safety claims
 - Greater vaccine acceptance
 - Significant improvements in reducing disease disparities

“Expanded cooperation now and going forward to create a successful, safe, and sustainable agri-food industry workforce and employment environment for our workers”

“A successful Committee end point would be once this Committee drafts concrete legislative proposals that protect and improve agricultural worker legal rights education, worker access to services (including legal and health services), and that increases and clarifies enforcement of worker rights.”

Other comments and thoughts

- Define and clarify terms
 - Make sure we are all using the same terms for each group and understand that each group may face unique barriers and challenges
 - Migrant workers
 - Seasonal agricultural workers
 - H-2A workers
 - Year-round agricultural workers

“With the variety of stakeholders who are members of the committee, I feel confident we can find solutions that will improve the lives and livelihoods of Minnesota agricultural workers.”

“Just thank you.”