



Meeting Minutes: Governor's Committee on the Safety, Health, and Wellbeing of Agricultural and Food Processing Workers

DATE: 10/11/2021

MINUTES PREPARED BY: CINTHIA MARTINEZ

Attendance

Committee Members

Andrea Vaubel, Deputy Commissioner, Minnesota Department of Agriculture

Jim Gleb, President, United Food and Commercial Workers (UFCW) Local 1189

Kiza Olson, CHS Administrator, Meeker-McLeod-Sibley Community Health Services

Nicole Blissenbach, Deputy Commissioner, Minnesota Department of Labor and Industry

Rodolfo Gutierrez, Executive Director, HACER

Sarah Berry, Public Health Director, Waseca County | CHS Administrator, Le Sueur – Waseca Community Health Board

Susan Bishop, Supervisor, Minnesota Department of Health, and Migrant Agricultural Worker Response Lead, ICS

Tamara Nelsen, Executive Director, Minnesota AgriGrowth Council

Absent

Colin Laffey, Staff Attorney, Agricultural Worker Project, Southern Minnesota Regional Legal Services (SMRLS)

Emilia Gonzalez Avalos, Executive Director, Unidos MN

Gary Wertish, President, Minnesota Farmers Union

Hamse Warfa, Deputy Commissioner, Minnesota Department of Employment and Economic Development

Kevin Paap, President, Minnesota Farm Bureau

Kristi Halvarson, Executive Director, Community Health Service, Inc.

Rena Wong, Director of Organizing, United Food and Commercial Workers (UFCW) Local 663

Staff Present: Ben Wood, Safety Consultant Principal, Minnesota's Workplace Safety Consultation

Unit; Carrie Rigdon, Operations and Planning Section Manager, Minnesota Department of Agriculture; Blake Nordin, Environmental Health Supervisor, Minnesota Department of Health; Cinthia Martinez, CareerForce Office Coordinator, Minnesota Department of Employment and Economic Development; Jessica Grosz, Director of Labor Standards and Apprenticeship, Minnesota Department of Labor, and Industry; Lorrie Janatopoulos, CareerForce Director, Minnesota Department of Employment and Economic Development; Maureen Ramirez, Director of the Office of Economic Opportunity, Minnesota Department of Employment and Economic Development; Mike Zastoupil, Food Access Associate, Minnesota Department of Health

Guests Present: No public guests introduced themselves

Agenda

1:00 PM **Welcome**

1:05 PM **Guest Introductions**
1:10 PM **Approve Minutes & Agenda**
1:15 PM **Updates – DC Vaubel**
1:30 PM **Migrant Services Consortium Input**
1:50 PM **Work Group Updates and Discussion**
2:20 PM **Public Comments**
2:25 PM **Final Thoughts & Next Steps**
2:27 PM **Adjourn**

Meeting notes

Guest Introductions

No members of the public introduced themselves.

Approve Minutes & Agenda

Approved.

Updates- DC Vaubel

Decision-making process – The December 1st deadline is approaching to get those recommendations to the Governor. During the next meeting, the Committee will discuss in more depth the decision-making process and should determine guidelines together for discussion of recommendations that are presented prior to voting, we are hoping that consensus can be achieved.

Representation/ Input - DC Vaubel offered that she and committee staff could meet with stakeholders represented by members of this committee if desired. Discussion can include gaining feedback on recommendations in order to get direct input from stakeholders that Committee members represent.

Migrant Services Consortium Input

Noemi Trevino, Migrant Education Program Specialist, Minnesota Department of Education

Migrant Services Consortium Group consists of 20-30 government and community agency members who meet monthly and includes a wide range of representatives. The purpose of this consortium is to work together to provide the best services that directly impact migrant agricultural workers and to strengthen statewide partnerships in a transparent manner allowing for cohesive service delivery. The AWWC is directed by the Executive Order to gain input from the Migrant Services Consortium as it considers its recommendations. To that end, a survey of Migrant Consortium members was conducted asking for input in areas that the AWWC has prioritized.

Migrant Consortium Survey results – Mike Zastoupil and Carrie Rigdon presented survey results. Migrant Consortium Survey Themes located in the meeting documents

Initial thoughts from the committee members

- Jim Gleb: Very thorough and very interesting to see, especially the perspective from the people we are making this recommendation for. This was very helpful.
- Nicole Blissenbach: - When they get a call from a worker or an outreach event with complaint, what is the process from the consortium for these calls? Is there a cheat sheet of where to send

people when issues are raised? There is not a great combining of resources in an easy-to-understand manner.

- Noemi Trevino: We do not get complaints directly from the field, they come from migrant representatives. They become aware of the issues through interaction. All of us from different perspectives share the information but members do not resolve the issue, we lift the issue to bring it to the attention of those in different agencies.
 - Jessica Grosz: When working with the Agriculture worker project, if we saw a theme, we would bring it to the consortium to inform them that we are seeing this. A lot of it was being a liaison on bringing it to the right door and figuring out who would best assist.
- Susann Bishop- Glad there is strong alignment on what we have already prioritized. There are ideas to build on.

October 13th Consortium meeting- The Migrant Services Consortium and Noemi would like to invite members of this committee to the October 13th Migrant Services Consortium meeting. Susan Bishop, Sara Berry, Rodolfo Gutierrez, Jim Gelb, and CD Vaubel offered to attend and represent AWWC. The invitation has been extended to all Committee members.

Workgroup Updates and Discussion

Housing workgroup- (Nicole Blissenbach)

The 10.4 housing workgroup meeting included MDH members Blake Nordin and Linda Prail who presented on authority and inspection procedures.

Themes that came out of the meeting:

- Centralized complaint process
- Building trust with workers
- Education for employees
- Data collection
 - As it relates to housing, what housing exists, where is it located, who has jurisdiction, what is it classified as.

We also discussed developing a chart with a synopsis of jurisdictions. Susan Bishop has put together information in a chart. At the next meeting we will be looking further at the complaint process, and making sure jurisdiction is identified.

Next meeting: Monday October 18th, 2021.

Data proposal - (Maureen Ramirez)- Some members could not attend the scheduled meeting, will meet, and bring back more information.

Workplace Safety- (Mike Zastoupil)

The 10.7 workgroup meeting the conversation included how OSHA works, how does DLI do their work, and where are the gaps and coming up with solutions that are more innovative.

Initial ideas for recommendations:

- Develop posters and other materials with information about workplace safety, worker rights, and where to get help written in ALL languages spoken by agricultural and food processing workers in MN.

- Require employers to use these new resources
- Require employers to help pay for these new resources
- Provide DLI with more funding and staffing to do the following:
 - Increase the number of proactive inspections of agricultural and food processing worksites
 - Reduce the amount of time it takes to process OSHA complaints
- Identify which subsectors of the agriculture and food processing industries have the worst safety violations and develop a new OSHA “emphasis program” for them.
- Update penalties for employers with OSHA safety violations to at least the federal penalty level, or higher.
- Borrow successful workplace safety initiatives from the construction industry, such as leveraging employer relationships and competition, as well as rewards and recognition for workplace safety achievements.
- Develop formal partnerships between state agencies and advocacy groups (e.g. unions, nonprofits, etc.) to continue to find ways to support workers who aren’t reporting workplace safety issues.

Next meeting: Thursday October 14th, 2021.

Fair Labor Standards- (Jessica Grosz)

In the October 7th meeting the main focused on Migrant Labor Law (Minn. Stat. 181.85 – 181.91)

Ideas that came from the meeting:

- Broaden who has authority to enforce this statutory scheme
 - Discussed that Labor Standards can use wage theft law to enforce almost entire statutory scheme
- Make sure Migrant Labor Law reflects wage theft law
- Broaden group of workers law’s protections apply to
- Increase penalties

Next meeting: Thursday October 14th.

Committee discussion: What is standing out to you and what is on the right track?

- Tamara Nelson: Appreciate the presentations today, we learned a lot and got some good feedback. We have identified that even though there are laws, we are clearly seeing indications that there are gaps. I think all should be very proud. This group has done a good job in identifying some of those priorities.
- Susan Bishop: One thing that has come up in the past; sometimes workers are hired from temp agencies, and it seems that may shift, or there is a perceived shift in who the employers is and who is responsible for what.
 - Osha’s Multi-employer citation policy imposes responsibility on businesses for ensuring OSHA requirements are followed, even if the workers involved are not directly employed by the business. In instances involving temporary employees, staffing agencies, and subcontractors, OSHA may issue citations to both the business and the

staffing agencies if employees of the agency are not protected in accordance with OSHA requirements. OSHA's policy does not apply to issues and circumstances outside of the jurisdiction of OSHA.

- Sarah Berry- Nice to hear some of the other workgroups interest and ideas on focusing on the positives and ideas to close gaps.
- Rodolfo Gutierrez- The survey is telling us what I was already saying. I have been learning a lot by listening. We have not covered several needs that our communities are still requesting attention and responses for. It is important to recognize the importance of all the information shared and the importance of data.
- Jim Gleb – I am very excited about the process.

Public Comments

No one from the public made comments.

Final Thoughts & Next Steps

At the next AWWC meeting, our timeline indicates that we will finalize all policy recommendations with no further discussion following that. It was further noted that the AWWC needs to push toward determining these final recommendations.

Adjourn