



Agricultural Worker Wellness Committee Recommendations

November 22, 2021

Voting on Recommendations

Seeking committee input on your preference for voting:

- A. Vote individually on each recommendation (13)
- B. Vote by theme area (4):
 - A. Coordination & Communication
 - B. Housing
 - C. Workplace Safety
 - D. Fair Labor Standards



Report Outline

1. Letter from the Committee Chairs
2. Executive Summary
3. List of Recommendations
4. Committee Introduction and Background
5. Recommendations
 - a. Communications and Coordination
 - b. Housing
 - c. Workplace Safety
 - d. Fair Labor Standards
 - e. Additional Considerations
6. Appendices



Grounding Values and Guidelines

- Diversity, inclusion, and equity are essential core values and top priorities of One Minnesota. Recommendations will be framed with an equity lens in recognition that agricultural and food processing workers are essential to Minnesota's economy and their labor puts food on the tables of Minnesotans.
- Recommendations will focus on improving the safety, health, and wellbeing of agricultural and food processing workers.
- Recommendations will remove barriers between agencies and stakeholders and bring community voices to the table.



Coordination and Communication Recommendations

1. Codify the Committee for the Safety, Health and Wellbeing of Agricultural and Food Processing Workers in state statute so that there is a formal and ongoing way to convene diverse stakeholders and continue to address health and safety issues for these essential workers. (Legislative)
2. Create an office of an ombudsperson for the safety, health, and wellbeing of agricultural and food processing workers. This office will provide independence and will assist with centralizing functions that are housed in separate State Departments, and facilitate the navigation of issues including housing, workplace safety, and fair labor standards. (Legislative)
3. Develop informational content for anyone with complaints or problems regarding the safety, health, and wellbeing of agricultural, food processing, and meatpacking workers to quickly and easily connect with the appropriate jurisdictional authority. Informational content should be gathered in one central location, available in relevant languages, and updated annually. (Agency Level)

Coordination and Communication Recommendations

1. Codify the Committee for the Safety, Health and Wellbeing of Agricultural and Food Processing Workers in state statute so that there is a formal and ongoing way to convene diverse stakeholders and continue to address health and safety issues for these essential workers. (Legislative)
 - Ongoing need for formal structure to work with stakeholders and solve issues
 - Ongoing need to respond to pandemic and promote public health

Coordination and Communication Recommendations

2. Create an office of an ombudsperson for the safety, health, and wellbeing of agricultural and food processing workers. This office will provide independence and will assist with centralizing functions that are housed in separate State Departments, and facilitate the navigation of issues including housing, workplace safety, and fair labor standards. (Legislative)
- Addresses barrier of lack of centralized place for information & navigational support
 - Provides internal role coordinating with agencies and external role serving workers, employers, advocates
 - Connects and supports AWWC Committee

Coordination and Communication Recommendations

3. Develop informational content for complaints or problems regarding the safety, health, and wellbeing of agricultural, food processing, and meatpacking workers to quickly and easily connect with the appropriate jurisdictional authority. Informational content should be gathered in one central location, available in relevant languages, and updated annually. (Agency Level)
- Focus on content and materials in languages spoken by workers
 - Addresses barrier of not knowing where to go for issues and concerns
 - Updated annually to ensure it stays relevant

Housing Recommendations

4. Preserve and increase affordable housing in Greater Minnesota to increase access for agricultural and food-processing workers, including short-term rentals. (Legislative)
5. Create a required registration process for housing units provided by employers to agricultural and food processing workers. (Legislative)
6. State and local housing safety enforcement agencies should establish proactive, annual housing inspection protocols, including both pre-occupancy inspections and inspections while occupied.
7. Analyze state, local, and federal housing regulations to identify where agency jurisdictions overlap and/or fail to adequately cover housing of agricultural and food processing workers and identify where improvements are needed to cover more people at higher standards.

Housing Recommendations

4. Preserve and increase affordable housing in Greater Minnesota to increase access for agricultural and food-processing workers, including short-term rentals. (Legislative)
 - COVID-19 amplified the challenges of limited housing stock in rural Minnesota, and crowded living conditions for workers
 - Many agricultural and food processing workers are responsible for their own housing arrangements and experience same market conditions as others in Greater MN
 - Housing solutions focused on agricultural, food processing, and meatpacking workers are necessary but not sufficient to the challenge

Housing Recommendations

5. Create a required registration process for housing units provided by employers to agricultural and food processing workers. (Legislative)
6. State and local housing safety enforcement agencies should establish proactive, annual housing inspection protocols, including both pre-occupancy inspections and inspections while occupied.
 - No separate state tracking system that identifies all types of employer-provided housing to agricultural and food processing workers.
 - Relying on a complaint-based process for some housing inspections in some types of units means that if a resident does not make a complaint, the unsafe conditions are not known by the state.
 - Suggest the state develop a registration process that covers more types of employer-provided housing so that agencies can use that information to proactively inspect housing for safety and code enforcement.

Housing Recommendations

7. Analyze state, local, and federal housing regulations to identify where agency jurisdictions overlap and/or fail to adequately cover housing of agricultural and food processing workers and identify where improvements are needed to cover more people at higher standards.
 - Recommend developing a chart that outlines local, state, and federal housing inspection authorities and obligations—as well as inspection gaps—for every type of agricultural and food processing worker housing, whether employer-provided or third-party provided.
 - Conduct a comprehensive review of state and federal housing standards applicable to agricultural workers and determine how Minnesota could update and improve those standards, including whether Minnesota should promulgate agricultural worker-specific housing regulations.
 - Consider the benefits and implementation of a safety grants program to assist agricultural and food processing employers who own and provide housing to their workforce to make recommended health and safety improvements.
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Workplace Safety Recommendations

8. Adopt “penalty conformity” for MNOSHA safety violations, so that state penalties are consistent with federal penalties. (Legislative)
9. Develop a competitive recognition program from MNOSHA for employers that have excellent workplace safety records. (Compliance with inspections) (Agency Level)
10. Identify the need for additional MNOSHA emphasis programs within the various subsectors of the agriculture, food processing, and meatpacking industries to increase the number of proactive inspections. (Agency Level)
11. Ensure that employers are communicating information about workplace safety, worker rights, and where to get help in all languages spoken by their employees and provide support for employers to access translated materials. (Agency Level)
12. Develop a formal alliance between the Department of Labor and Industry and worker advocacy groups related to agriculture and food processing to help those groups direct workers to the right state support in the moment, when they need it. (Agency Level)

Workplace Safety Recommendations

8. Adopt “penalty conformity” for MNOSHA safety violations, so that state penalties are consistent with federal penalties. (Legislative)

	<u>MNOSHA</u>	<u>FEDERAL OSHA</u>
<u>Serious violation</u>	<u>\$7,000</u>	<u>\$13,000</u>
<u>Willfull or repeat violation</u>	<u>\$7,000</u>	<u>\$136,532</u>

- Raise penalties to match federal; not stacking penalties

Workplace Safety Recommendations

9. Develop a competitive recognition program from MNOSHA for employers that have excellent workplace safety records. (Compliance with inspections) (Agency Level)
 - Model the recognition program on other MNOSHA achievement programs that ensure a rigorous review of the workplace and the employer's safety record
 - Providing recognition to outstanding workplaces gives workers more information and raises the profile of employers who are providing exceptional places to work

Workplace Safety Recommendations

10. Identify the need for additional MNOSHA emphasis programs within the various subsectors of the agriculture, food processing, and meatpacking industries to increase the number of proactive inspections. (Agency Level)

- Current MNOSHA Compliance Partnership Program Ag Emphasis only Hog/Pig Farming and Dairy Cattle
- Food Processing Emphasis programs only “Grain Handling” and “Meat-Packing”
- Identify additional subsectors of the agricultural and food processing industries with high workplace safety risks that would benefit from an emphasis program
- Broadening emphasis programs may lead to more frequent inspections at facilities, and a broader inspection base of businesses

Workplace Safety Recommendations

11. Ensure that employers are communicating information about workplace safety, worker rights, and where to get help in all languages spoken by their employees and provide support for employers to access translated materials. (Agency Level)
 - Addresses barriers of written materials provided only in English.
 - Recommend Spanish and other languages and other formats, including video and audio
 - Increase workers' access to important safety and workers' rights information and increase their knowledge of policies and procedures

Workplace Safety Recommendations

12. Develop a formal alliance between the Department of Labor and Industry and worker advocacy groups related to agriculture and food processing to help those groups direct workers to the right state support in the moment, when they need it. (Agency Level)
- Alliance with Minnesota OSHA Workplace Safety Consultation
 - Collaborate with WSC to prevent injuries and illnesses in the workplace
 - Build trusting, cooperative relationships with MNOSHA Workplace Safety Consultation and leverage resources to maximize worker safety and health protection.

Fair Labor Standards Recommendations

13. Strengthen workplace protections for agricultural and food processing workers so that a greater number of these workers are protected and aware of their workplace rights.
- Migrant Labor Law (Minn. Stat. 181.85 - 181.91) enacted in 1981 and many of its provisions have never been updated; most recent update, to Minn. Stat. 181.89, in 2005
 - Law specific to recruitment in the food processing industry (Minn. Stat. 181.635) enacted in 1995 and has never been updated
 - Packinghouse Workers Bill of Rights (Minn. Stat. 179.86) was enacted in 2007 and has never been updated

Fair Labor Standards: Migrant Labor Law

- a) Expanding the scope of workers covered by this law to include all recruited migrant agricultural workers, not just those performing cannery work, so that all agricultural workers traveling to Minnesota have these protections
- b) Removing the miles traveled requirement to be considered a migrant worker, found at Minn. Stat. 181.85(3), so that any migrant agricultural worker traveling from another state to Minnesota is covered under the law, regardless of number of miles traveled
- c) Expanding DLI enforcement authority under Minn. Stat. 177.27(4) so that it can issue compliance orders for violations of this law

Fair Labor Standards: Migrant Labor Law, cont.

- d) Increasing penalties under Minn. Stat. 181.89 to at least align with what these penalties would be valued at today as some penalties have not been updated since 2005 while others have never been updated since enactment of the law in 1981
- e) Strengthening recordkeeping requirements under Minn. Stat. 181.88 by requiring agricultural employers to keep a record of the written employment statement required to be provided to workers under Minn. Stat. 181.86
- f) Expanding the scope of the employment statement to include information regarding rights afforded to workers under the law as well as information regarding rights related to workers' compensation and the employer's workers' compensation carrier

Fair Labor Standards: Food Processing Recruitment

- a) Expanding the scope of workers covered by the law to also include those who relocate from within Minnesota by updating the definition of “recruits” under Minn. Stat. 181.635(1)(c)
- b) Expanding the scope of the required disclosure to be in the preferred language of the worker instead of only in English and Spanish
- c) Increasing damages and fines found under Minn. Stat. 181.635(3) and (4) as they have not been updated since the law was enacted in 1995

Fair Labor Standards: Packinghouse Bill of Rights

- a) Expanding the scope of workers protected to include those who do poultry processing work as well
- b) Requiring the explanation be provided in
- c) Requiring that the explanation be provided when employment begins
- d) Expanding the scope of what must be provided in the explanation to include information regarding rights to workers' compensation and the employer's workers' compensation carrier
- e) Expanding enforcement to include penalties/fines when law is violated

Additional Considerations

1. Federal Immigration Reform

- Needed to address legal status

2. Data

- Better understanding of population

