

Protections for Farmworkers in Oregon

Oregon has a robust system of farmworker rights and protections, more stringent and comprehensive than almost any other state. These rights and actions have been recognized over several decades of legislative actions, agency rules, and court decisions.

General Worker Protections

Wages

- **Minimum Wage:** Oregon has three different minimum wages tiers that are approximately double the federal minimum wage rate. Oregon's law also increases the minimum wage on an annual escalator based on the CPI. Workers who are offered a piece rate may earn more for higher production but must be paid at least the minimum wage per hour for the region where the work is performed. Until June 30, 2025, the following minimum wage rates apply:
 - \$15.95 per hour in Portland metro area,
 - \$14.70 per hour in Benton, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, Tillamook, Wasco, Yamhill, and parts of Clackamas, Multnomah, & Washington outside the urban growth boundary, and
 - \$13.70 per hour in Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler Counties.
- **Pay Equity:** Oregon's Equal Pay law applies to all industries, including agriculture.
- **Overtime Pay:** Agriculture is exempt from the requirement to pay overtime under federal law and in most states. In 2022, Oregon Legislature passed HB 4002, phasing in an overtime pay requirement for agriculture over a period of five years. Under this law, time-and-a-half overtime is required for agricultural workers after 55 hours per week in 2023/2024, 48 hours per week in 2025/2026, and 40 hours per week beginning January 1, 2027.
- **Rest and Meal Breaks:** Farmworkers receive 10-minute paid breaks for every 4-hour block of time worked regardless of the method of payment (hourly or piece rate). The meal period is a 30-minute unpaid break after 6 hours of work.
- **Paid Non-Productive Time:** "Piece-rate down time" refers to an employee's work that does not lead directly to production or piece-rate pay, such as when an employee attends a mandatory safety meeting. Piece-rate pay does not include the pay for agricultural employees for their piece-rate down time, so employers must provide separate compensation for time spent performing these non-productive duties. Piece-rate down time must be paid at the minimum wage applicable for the region where the work is performed.
- **Farm Labor Contracting Protections:** BOLI oversees FLC licenses for the state. The state FLC laws and rules are as stringent as federal FLC laws. FLCs must comply with both

regulations, not only the one that is most strict. Farm employers are jointly liable for violations of wage and hour law with FLCs.

- **Employment of Minors:** Individuals under the age of 18 may work in agriculture under the oversight of BOLI. Both state and federal rules have firm limits on the type of work that minors may perform according to the minor's age. In some circumstances, BOLI requires an employer to obtain a Certificate to Employ Minors. [See the BOLI website for more information.](#)

Benefits, Leave, Disability, Discrimination, and Retaliation

- **Oregon Sick Leave:** Employees earn up to 40 hours protected of sick time, at a minimum of 1 hour of protected sick time for every 30 hours worked. There is no carveout for agriculture. The same terms apply to farmworkers as all other workers in Oregon.
- **Oregon Family Leave Act:** Farmworkers receive the same coverage as all other workers under this state law. It gives employees the right to use leave to care for their children, bereavement, pregnancy disability/fertility needs of family members, and military leave.
- **Oregon Paid Family and Medical Leave:** Farmworkers receive the same-(including job protection) and opportunities as all other workers in Oregon. There are no carveouts for agriculture. Farmworkers also pay into the system per the employer/employee premium split specified in law.
- **Milk Expression:** Farmworkers receive the same milk expression workplace protections that apply to all other workers in Oregon.
- **Pregnancy, Disability, and Religious Accommodation:** BOLI enforces state laws that provide accommodation for pregnancy, disability, and religious needs, that apply to all employers.
- **Domestic Violence Protections:** BOLI provides enforcement. Employers must make reasonable changes to support the safety of a worker experiencing domestic violence, harassment, sexual assault, or stalking. Employers with 6 or more employees are also required to allow an eligible employee to take reasonable leave from employment for qualified purposes, and there is no exception for agriculture.
- **Non-harassment, Anti-discrimination and Retaliation:** Farmworkers in Oregon are protected under Oregon's workplace harassment and discrimination law, including the Workplace Fairness Act
- **Unemployment Insurance:** Agricultural employment of U.S. workers in Oregon is covered by applicable federal and state laws governing unemployment insurance. Like employers in all other industries, farmers pay unemployment insurance premiums for farmworkers when the business meets or exceeds \$20,000 in payroll in any calendar quarter of the year

- **Workers' Compensation Insurance:** Agriculture is not exempt from Workers' Compensation insurance protections. Coverage is required. Workers must be covered and receive benefits.
- **Retirement:** In 2017, Oregon launched the OregonSaves program to help workers prepare for retirement. All Oregon employers who do not already offer a workplace retirement plan are required to offer OregonSaves regardless of the number of their employees. The retirement savings IRA belongs to the employee, including farmworkers, and it goes with them should they leave their current employer or move out of state.

Workplace Safety

- **Occupational Safety Enforcement:** Farmworkers, like other employees, are protected from workplace health and safety hazards under the Oregon Safe Employment Act. They are required to establish workplace safety committees and hold workplace safety meetings. Additionally, OR-OSHA implements multiple compliance emphasis programs in agriculture, including field sanitation, heat, and pesticide safety. In 2023, the Oregon Legislature adopted legislation to increase penalty maximums for workplace safety violations. Oregon is a [national leader](#) in occupational safety and health inspections.
- **Pesticide Safety Protections:** Pesticide safety involves OR-OSHA, EPA and ODA, among other state agencies. OR-OSHA administers the Worker Protection Standard (WPS) for the EPA. OR-OSHA's WPS rules are more protective than the federal standard. Oregon's Pesticide Analytical and Response Center is housed at ODA and coordinates multiple state agencies to respond to pesticide-related incidents in Oregon with suspected health or environmental effects.
- **Outdoor Heat Exposure Regulations:** Following the heat dome in 2021, Oregon adopted the most protective heat exposure protection rules in the country. OR-OSHA requires all employers to address indoor and outdoor heat exposure through annual training, monitoring symptoms, supplying cool water, mandating shade or cooling vests, acclimatization periods, paid cool-down breaks, and two-way communication. Oregon's rule applies to the heat index, factoring in the impact of humidity on workers and is triggered at a heat index of 80 degrees F. OR-OSHA also has adopted further temperature requirements for ag labor housing as part of its 2025 adopted rules.
- **Wildfire Smoke Regulations:** In 2021, Oregon adopted rules to address wildfire smoke exposure for workers in an indoor/outdoor setting. Previously, this hazard was addressed in employer safety plans under the general duty to address known hazards. Agricultural workers are the most frequently cited population in explaining the purpose of the rule. The rules require employers to monitor local air quality conditions through government sources and to offer respiratory protection as air conditions worsen. Employers are required to provide and mandate use of respirators at an AQI of 500 or more.
- **Farmworker Housing:** On January 8, 2025, OR-OSHA adopted farmworker housing regulations that far exceed federal OSHA's 2022 regulations and other state housing regulations. OR-OSHA has rules governing the construction, inspection, and licensing standards for housing.

- **Right to Refuse Dangerous Work:** In 2023, the Oregon legislature passed legislation that mirrors the existing right under USDOL to refuse dangerous work. This law was negotiated between farm and farmworker advocates and applies to nearly all occupations and hazards, including farm work.

Outreach and Assistance for Farmworkers

- **State Monitor Advocate:** The Monitor Advocate System is a joint federal-state monitoring system that ensures migrant and seasonal farmworkers (MSFW) have equitable access to career services, skill development, and workforce protections offered by American Job Centers (e.g., WorkSource) to improve the living and working conditions of MSFW. Oregon’s State Monitor Advocate is housed at the Oregon Employment Department and funded by the Wagner-Peyser Act. [According to DOL](#), key components of the Monitor Advocate System include:
 - Conducting outreach to MSFWs at their working, living, and gathering places
 - Monitoring services provided to MSFWs at American Job Centers
 - Facilitating the Employment Service and Employment-Related Law Complaint System, which helps resolve labor-related complaints, and
 - Promoting the Agricultural Recruitment System for U.S. workers, which connects job seekers who need employment to employers who need workers.
- **AgriStress Helpline:** The AgriStress helpline is free, 24/7 hotline for Oregon's agricultural, fishing, and forestry communities—available to employers, workers, and their families. The helpline is answered by trained professionals who can offer support and help find mental health and agriculture-related resources. Helpline crisis specialists have received training on the factors that impact people working in agriculture. All calls are answered within 30 seconds, and resources are available in English and Spanish.



Federal Protections

- **Migrant and Seasonal Agricultural Worker Protection Act (MSPA):** This federal law found at [29 CFR 500](#) protects migrant and seasonal agricultural workers regarding wages, housing, transportation, and working conditions. MSPA also establishes standards for the registration, licensing, and operation of farm labor contractors. MSPA was enacted on January 14, 1983. It replaced the Farm Labor Contractor Registration Act of 1963, strengthening protections for agricultural workers and adding requirements for employers and contractors. Key MSPA protections include the following:
 - **Oversight of Farm Labor Contractors:** including vehicle inspections, driver certifications, and housing standards.

- **Wages:** Ensures workers receive their wages when due and their paycheck stubs contain specific required information about the work performed that represent the payment
- **Housing:** Requires that housing provided to workers meets federal and state safety and health standards.
- **Transportation:** Mandates that transportation used by farm labor contractors is safe and appropriately insured.
- **Disclosure:** Farm labor contractors, agricultural employers, and associations must disclose terms and conditions of employment to workers in writing, and display specific workplace and housing posters

MSPA supports workers in knowing their rights and terms of employment and provides an avenue for reporting violations directly to the DOL Wage and Hour Division by contacting the nearest office at 1-866-4US-WAGE.

Additional Protections and Oversight of H-2A

- **Federal Rule Changes:** Petitions to fill labor shortages with temporary foreign workers have grown in tandem with multiple new protections for farmworkers and increased enforcement of labor and safety standards specific to farmworkers described above. New federal rule changes:
 - Reinforce protections for workers raising concerns about working conditions.
 - Create new requirements to document progressive discipline prior to dismissing an employee for cause.
 - Establish additional safety requirements for seat belt use in vehicles used to transport workers.
- **Adverse Effect Wage Rate:** At \$19.82/hour, Oregon has the third highest AEWR (H-2A minimum wage) of any state in the U.S. after Hawaii and California.