



Farmworker Overtime

March 8, 2021

Chair Holvey, Vice-Chairs Bonham and Grayber, and Members of the House Business and Labor Committee,

My name is Isabella Blair, and I am a student at Lewis & Clark College. I am writing in support of HB 2358, farmworker overtime.

HB 2358 guarantees overtime pay to agricultural workers after 40 hours in a workweek at one and one-half times the employee's regular rate of pay. This includes farmworkers who are paid by piece-rate (how many crops they produce) or hourly. Oregon would join five other states (California, Washington, New York, Minnesota, Hawaii) with some sort of overtime pay for agricultural workers. This extends overtime benefits to farmworkers which have been available to the majority of other workers since the Federal Labor Standards Act of 1938.

Farmworker overtime pay is important to me because farmworkers are frontline workers who continue to show up despite facing a respiratory pandemic, wildfires, and more recently, a winter storm. Agricultural workers deserve to be paid fairly for their labor.

Farmworker overtime pay is also long overdue. The lack of overtime pay for farmworkers is rooted in the racist legacy of excluding agricultural workers from overtime pay in the Federal Labor Standards Act (1938) to maintain social and economic control of these workers. Back then, the majority of farmworkers were Black and now we see most farmworkers are immigrants from Latin America and the Caribbean.¹

Additionally, farmworkers are underpaid and exploited for their cheap labor. According to the National Agricultural Workers Survey, individual farm workers earn \$15,000 to \$17,499 a year and families are estimated to make between \$20,000 and \$25,000 a year.² Their work is place-based and time-bound (due to crop harvest windows), which puts them at higher risk of adverse health effects from prolonged exposure to extreme heat and wildfire smoke. Wildfires happen most often during peak harvesting season when workers can earn the most money and

¹ Farm Workers and the Fair Labor Standards Act: Racial Discrimination in the New Deal
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2205898

² National Farm Worker Ministry: Low Wages <http://nfwm.org/farm-workers/farm-worker-issues/low-wages/>



may be forced to choose between their health and putting food on their families' table.³ Most of these workers and their families do not have healthcare coverage through their employer. As a result, migrant and seasonal farmworkers experience higher rates of specific health problems such as diabetes, hypertension, cardiovascular disease and cancer than most other Oregonians.

Guaranteeing overtime pay for farmworkers in Oregon will positively impact all Oregonians. According to OHA, there are an estimated 174,000 migrant and seasonal farmworkers, and related family members, that contribute to Oregon's multi-billion dollar agricultural industry.⁴ This policy would provide economic stability to a class of workers who have been excluded from basic labor standards such as minimum wage, collective bargaining rights, and overtime pay. With better wages, there will be an increase in consumer spending, especially in local businesses and rural communities.

I urge you to vote yes on HB 2358 to ensure farmworkers in Oregon are adequately paid for their labor.

Sincerely,

Isabella Lucia Blair
Environmental Studies Student
Lewis & Clark College Class of '22

³ OHA, Climate and Health in Oregon 2020 Report, 21.

<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/CLIMATECHANGE/Documents/2020/Climate%20and%20Health%20in%20Oregon%202020%20-%20Full%20Report.pdf>

⁴ OHA, Vital Role of Migrants in the State Economy.

<https://www.oregon.gov/oha/HPA/HP-PCO/Pages/Migrant-Health.aspx#:~:text=An%20estimated%20174%2C000%20migrant%20and,multi%2Dbillion%20dollar%20agricultural%20industry.>