



March 8, 2021

Chair Holvey, Vice-Chairs Bonham and Grayber and Members of the Committee:

On behalf of the American Association of University Women (AAUW) of Oregon, we express our support for House Bill 2358.

The history behind excluding farm workers from overtime rules is plainly and simply rooted in racism. It arose as a result of the need to obtain the requisite number of Southern votes to pass the New Deal legislation dealing with worker protections. A bargain was struck to exclude farm and domestic workers from these protections. In *Martinez-Cuevas v. Deruyter Brothers* (2020) the Washington Supreme Court recognized this dishonorable compromise when it ruled that a Washington law reaffirming the farm worker exclusion regarding overtime rules was unconstitutional. As stated by Washington State Supreme Court Justice Gonzalez in his concurring opinion, the "[p]lantation agriculture, which dominated the southern economy, depended on the exploitation of a black labor force."<sup>1</sup> White workers were afforded the benefits, but others were not.

Unfortunately, this exclusion is not simply a matter of history, but continues to this day. The United States is currently experiencing a reckoning with its troubling history of systemic racism and this legislation represents a step in a long journey to redress its wrongs.

Farmers and others who have come to rely on overtime exclusions for farm workers will likely voice legitimate concerns which are based in economic conditions, not racism. Will crops have to rot in the fields? How will the work force accommodate to the changes? These farmers are recognized as "price takers," not "price makers," and may experience financial hardship.

It is also the case, however, that many farm workers are currently experiencing financial and physical hardships caused by poor working conditions.<sup>2</sup> Working excessive hours is one of them.

We urge the passage of House Bill 2358.

Respectfully Submitted,

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<sup>1</sup> Slip Opinion, Washington Supreme Court, 5 November 2020, <http://www.courts.wa.gov/opinions/pdf/962677.pdf>.

<sup>2</sup> Agricultural Safety, Oregon State University, <https://ehs.oregonstate.edu/agricultural-safety>; Gosia Wozniacka, *The Farmworkers Who Pick Your Food Don't Get Paid Overtime*, Civil Eats, 6 November 2019.