

Planned Parenthood Advocates of Oregon

March 8, 2021

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

Planned Parenthood Advocates of Oregon urges strong support for HB 2358, which guarantees overtime pay to agricultural workers who have completed 40 hours in a work week. We stand with our reproductive justice partners who have long proclaimed that the fight for justice and equity does not end with having the right to make reproductive and sexual health decisions. A critical aspect of that work is advocating for people to have the power and resources necessary to raise and support their families in safe environments and healthy communities—that includes being properly compensated for a fair day's work.

Agricultural workers deserve to be paid fairly for their labor. The Federal Labor Standards Act of 1938 afforded most workers with overtime benefits. However, the act excluded agricultural workers. At the time of the law's passage the majority of farmworkers were Black, and their exclusion from overtime pay was a way to maintain social and economic control over that population. That racist legacy is perpetuated today: agricultural workers continue to be excluded from overtime benefits only now many farmworkers are immigrants from Latin America and the Caribbean.¹ 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

Farmworkers are frontline workers who continue to show up despite facing a respiratory pandemic, wildfires, and more recently, a winter storm. 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 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 other Oregonians.

HB 2358 provides farmworkers with the overtime benefits that have been available to most workers since the Federal Labor Standards Act. It 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 (i.e., how many crops they produce) or hourly. With HB 2358, Oregon would join five other states—California, Washington, New York, Minnesota, and Hawaii—in providing some sort of overtime pay for agricultural workers.

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 class of workers has been excluded from basic labor standards, such as minimum wage, collective bargaining rights, and overtime pay. HB 2358 takes the first step to help create economic stability among this class of workers. With better wages, agricultural workers will not only be able to care for and support their families, they will be able to reinvest that money into local businesses and rural communities through increased consumer spending.

Planned Parenthood Advocates of Oregon respectfully urges the committee's support of HB 2358 to ensure farmworkers in Oregon are adequately paid for their labor.

Sincerely,
An Do
Interim Executive Director
Planned Parenthood Advocates of Oregon

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/>

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.>