



March 29, 2021

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

My name is Laurie Dougherty and I am submitting testimony in support of HB 2358 on behalf of 350 Salem OR, local affiliate of international climate action network 350.org. 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 whether on hourly or piecework basis. Five other states (California, Washington, New York, Minnesota, Hawaii) already have some sort of overtime pay for agricultural workers.

HB 2358 will correct the unequal labor condition that has existed since the days of FDR's New Deal based on the racist legacy that excluded agricultural workers from overtime pay in the Federal Labor Standards Act 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/the Carribean.¹ HB 2358 is about racial justice, it is about affording farmworkers the same rights as other workers in our communities, it is about ending a Jim Crow exclusionary law in our state.

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. 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 may be forced to choose between their health and putting food on their families' table.³ As climate justice activists and advocates we know that extreme heat and wildfires will occur more often and for longer periods of time putting farmworkers in greater danger.

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>



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.

According to a recent Oregon Health Authority (OHA) report, 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 With better wages, there will be an increase in consumer spending, especially in local businesses and rural communities.

HB 2358 recognizes farmworkers as essential workers deserving of overtime pay. It creates economic stability to a class of workers who have been excluded from basic labor standards such as minimum wage, collective bargaining rights, and OT pay.

Equal is equal regardless of type of employment. 350 Salem OR urges you to vote yes on HB 2358 to ensure farmworkers in Oregon are adequately paid for their labor.

Sincerely,
Laurie Dougherty
Communications Team
350 Salem OR

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.>