

March 29, 2021

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

My name is Brook Kirklin, and I am a lifetime Oregon resident and member/manager of Brook Design Services LLC. I am writing / testifying in support of HB 2358, farmworker overtime.

Explain what the bill does

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.

Ends the racist exclusion of farmworkers from the Federal Labor Standards Act.

Why is farmworker overtime important to you or your organization

By saying that this will disadvantage workers, we are veering away from what the root problem really is. This is about racial justice, this is about affording farmworkers the same rights as other workers in our communities, this is about ending a Jim Crow exclusionary law in our state.

Long overdue based on the racist legacy of excluding 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 Caribbean.

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.

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.

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.

Share how this will positively impact Oregonians

Recognizes farmworkers as essential workers deserving of overtime pay. Equal is equal regardless of type of employment.

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.

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.

With better wages, there will be an increase in consumer spending, especially in local businesses and rural communities.

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

Sincerely,

Brook Kirklin  
Member Manager  
Brook Design Services LLC