

Date: January 28th, 2022
To: House Committee on Business and Labor
From: Portland Jobs with Justice Workers' Rights Board
Re: Support for Farmworker Overtime



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

We are members of the Portland Area Workers' Rights Board. We represent a broad spectrum of political, faith, academic, legal, and community leaders, all of whom are committed to fighting for community labor standards that respect the dignity of all workers. We write to you now to express our strong support for overtime pay for agricultural workers. Farmworkers should receive overtime pay after 40 hours in a workweek at one and one-half times the employee's regular rate of pay. We emphasize that sooner rather than later is best to make these changes. We understand that a longer implementation period of five years has been introduced; while it is better than nothing, five years is too long for this change.

There are four main reasons we support farmworker overtime. First, equity. This bill helps address a serious shortcoming in our labor law. As you well know, farmworkers have never been granted many of the protections given to most workers under the Fair Labor Standards Act of 1938. Overtime pay is one of those missing protections. Agriculture is one of our state's most important industries and the over 85,000 hardworking farmworkers that sustain this multi-billion dollar industry deserve to be treated the same as other workers.

Second, fairness. Oregon farmworkers have demanding jobs and yet are some of the lowest paid workers in Oregon with a median income of \$20,000 a year. Their jobs are also dangerous. They often labor under extreme conditions, marked by excessive heat, wildfires, and most recently the heightened danger of exposure to COVID-19. Long hours mean more time working under these dangerous conditions, increasingly the likelihood of serious illness and possibly death. If farmworkers, like other workers, are to be employed to work more than 40 hours a week, then these farmworkers, like other workers, should be compensated appropriately, with higher overtime pay reflecting the added health risks that come from extending the normal workweek.

Third, practicality. Oregon farm owners often complain of the difficulties they face in attracting and keeping the number of workers they desire, leading to lost profits. Both California and Washington have recently implemented bills that require overtime pay for agricultural workers. Washington's law phases in overtime over three years. If Oregon refuses to pass its own bill, Oregon farm owners can expect to find it even harder to attract the workers they say they want, with negative consequences for the state's economy.

Fourth, racial justice. This bill is not just about protecting worker rights, it is also about racial justice, as these issues go hand in hand when it comes to farmworkers, most of whom are immigrants from Latin

America and the Caribbean. Passing this bill would represent a long overdue turn toward justice for Latinx workers in Oregon.

Farmworkers are essential workers, and they have worked, day after day, laboring under extremely difficult and dangerous conditions, helping to sustain one of our state's most important industries. They deserve dignity, respect, and the labor rights granted to other workers. The least we can do is ensure that they receive overtime pay.

We urge you to pass farmworker overtime in the 2022 Legislative Session to ensure farmworkers in Oregon are paid fairly for their skilled and essential labor.

Sincerely,

Bill Bigelow, Rethinking Schools

Martin Hart-Landsberg, Professor Emeritus of Economics, Lewis and Clark College

Susheela Jayapal, Multnomah County Commissioner

Avel Louise Gordly, former Oregon State Senator

Rev. Cecil Charles Prescod, Ainsworth United Church of Christ Portland

Rev. Connie Yost, Farm Worker Ministry Northwest

Debra Porta, LGBTQIA2S+ Community Leader

Barbara Dudley, Senior Policy Advisor, Oregon Working Families Party

Cathy Highet, Highet Law LLC

Jessica Vega Pederson, Multnomah County Commissioner

Jules Boykoff, Professor, Political Science, Pacific University

Chris Wold, Professor of Law, Lewis and Clark College

Julie Hastings, Instructor, Portland Community College and Nominations and Elections Officer, PCCFFAP
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Veronica Dujon, Ph. D Professor of Sociology, Portland State University

Nikki Mandell, Pacific Northwest Labor History Association, OR Trustee

Mary King, Professor of Economics Emeritus, Portland State University

Elliott Young, Professor of History, Lewis and Clark College

Johanna Brenner, Professor of Sociology Emerita, Portland State University

Joann Hardesty, Portland City Commissioner