



February 8, 2022

House Committee on Business and Labor

**Re: Testimony in Support of HB 4002 – Farmworker Overtime**

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

Thank you for the opportunity to share support for HB 4002 on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 members statewide. ACLU of Oregon supports Hb4002 but would like to uplift some concerns with the bill as introduced.

At ACLU of Oregon we believe all workers should be treated with respect and dignity. Our fellow agricultural workers do the hard work needed to provide food for our tables yet they have been excluded from protections received by most workers. For example, although many agricultural workers are now eligible for social security benefits, they were not eligible when social security was first established in 1935. Although federal protections for overtime work were first created in 1938, agricultural workers in most states still are not covered by these protections, even though most other workers are covered by overtime protections in federal and state laws.

The two areas of concern are the new tax credit and the lack of enforcement capacity. It would be a mistake to spend more than \$100 million in General Fund Resources to subsidize the agricultural industry with an additional new tax credit for following the rules and doing what firms should do anyway: pay their workers overtime. The lack of consequences for violators is also a concern. Accountability means that you are responsible for producing some outcome. In order for accountability to work, there must be consequences. Oregon's labor agency rarely penalizes employers for wage violations, allowing business to disregard the rules and defraud workers.

Despite our concerns, we believe HB 4002 is the first step to do right by our state's agricultural workers. In 2020, Oregon farmworkers made, on average, less than \$28,000 a year. However, their hard work supports our entire economy and puts food on our tables, and they deserve to be paid for every hour of their essential, difficult, and often dangerous work. Not only does this bill begin to advance economic justice, but it also begins to advance racial justice and civil rights because Latinx workers make up a disproportionate part of the agricultural worker community in Oregon. Other states have overtime protections for farmworkers, and Oregon should join these states in mandating fair and just pay for our fellow Oregonians who help feed our communities and support the economic vitality of our state through farm work.

Overtime pay for working from dawn to dusk in excess of 40 hours is long overdue. 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.

Respectfully,

Jessica Maravilla  
Policy Director  
ACLU of Oregon