



Date: 02/23/2022

To: House Committee on Business and Labor

From: **Kait Crowley, PK Pastures**

Re: Support for Farmworker Overtime, HB 4002

Co-Chairs Taylor and Holvey, and Members of the Joint Committee On Farm Worker Overtime,

My name is Kait Crowley, and I live in Linn County and am writing on behalf of my farm, PK Pastures, by invitation from Friends of Family Farmers.

I am writing to you today in support of farmworker overtime. Farmworkers should receive overtime pay after 40 hours in a workweek at one and one-half times the employee's regular rate of pay, a right already recognized for other workers. However, I am concerned about how HB4002 is currently written. In solidarity with our local farmworker union, Pineros Y Campesinos Unidos del Noroeste (PCUN), I agree that the proposed five year transition period in the current version of HB4002 is too long and should be accelerated to bring farmworker overtime pay to our state much sooner. Additionally, I would prefer to see monies from the general fund spent in direct support of workers during a transition period rather than tax credits for business owners. I would also like to see penalties for businesses that violate labor laws.

The Fair Labor Standards Act (FLSA) of 1938 excluded farmworkers from basic protections it created like the minimum wage, child labor laws, and overtime pay. For far too long workers in the agricultural industry have been denied bedrock rights other workers have been afforded. Oregon has a responsibility to join California and Washington state in extending overtime pay to farmworkers- overturning this archaic exclusion in the FLSA to grant them the dignity, respect, and workplace protections they deserve.

Overtime laws exist to protect workers from abuse and exploitation by discouraging employers from overworking employees. Prior to the FLSA, employers overworked workers to the point of death. During the most recent heatwave, we saw that farmworkers in our state are still subject to dangerous imperatives to sacrifice their own health and safety for an employer's bottom line. Sebastian Francisco Perez died moving irrigation equipment in record heat. This tragedy is emblematic of the pressures farmworkers face to maximize their hours in an effort to support

themselves on the low wages they receive, and it exposes the disregard for human life implicit in creating exclusions from labor rights for certain workers.

Oregon needs to stop treating farmworkers- the essential workers who plant, tend, and harvest our food- like second-class citizens. Exclusion from overtime pay requires farmworkers to work many hours without having time to do other things. Under our current system 10-12 hour days are not uncommon, especially in the summer. Spending this much time performing physical labor leaves little to no time or energy for anything else like spending time with family and friends, seeing to other responsibilities or attending appointments, enjoying a hobby, or even just resting and relaxing to prepare for another demanding day on the job.

I am now the owner/operator of a small-scale pastured livestock operation, PK Pastures, but I spent the past decade working in field crews for other farms. I know first hand how physically, mentally, and emotionally depleting it is to work more than 40 hours a week, consistently, and have only poverty wages to show for it at the end of the season. I have repetitive motion injuries that I sustained while performing this work in my 20's, and I can only imagine the toll that working such long hours takes on people who are older and who have the additional responsibility of supporting a family. Farmworkers often do not have access to adequate health care- or the time to see a doctor!

Farm owners, like any other employer, are responsible for designing an effective business model. It's time for the farming community to acknowledge that this includes paying people a living wage. Human beings are not an expendable resource and it's not okay for any employer, including farmers, to treat workers like they are disposable in order to meet a profit margin. Our farm knew we would not be able to afford paying people fairly for their labor in our first years of business, so we created a farm plan that we could operate ourselves while we got started. It's one thing to work overtime for yourself while you build equity in your own business, it's quite another to have other people exhaust themselves on your behalf for minimum wage. That is abusive, even if it is uncomfortable for the industry to admit. We now employ a small crew to process our pasture-raised chickens, and this year we will be expanding the number of people on that team from four to six, hiring a farm hand, and increasing the hourly wage we pay from \$15/hr to \$17/hr to keep up with the rising cost of living. We take these expenses into account when we set our prices.

No one should be required to work so hard for so little money. Farmworkers are some of the lowest paid workers in Oregon with a median annual income of \$28,000, which means many actually make much less than that figure. Farmworkers who put food on our tables should be able to make enough money to put food on their own table without endangering themselves or sacrificing time with loved ones to do so.

I urge you to pass farmworker overtime in the 2022 Legislative Session to take a significant step forward towards compensating Oregon farmworkers fairly for their skilled and essential labor. Wages in this profession are punishingly low, and it's unconscionable that workers in this vital sector are also excluded from basic protections like overtime. I urge you to adopt a shorter phase-in period than the five year transition provided in HB 4002. Farmworkers deserve overtime pay, right now.

Sincerely,

Kait Crowley
Owner/Operator
PK Pastures