



Agricultural Worker Wellness Committee Recommendations

November 8, 2021

Grounding Values and Guidelines

- Diversity, inclusion, and equity are essential core values and top priorities of One Minnesota. Recommendations will be framed with an equity lens in recognition that agricultural and food processing workers are essential to Minnesota's economy and their labor puts food on the tables of Minnesotans.
- Recommendations will focus on improving the safety, health, and wellbeing of agricultural and food processing workers.
- Recommendations will remove barriers between agencies and stakeholders, and bring community voices to the table.



Consensus: Fist to Five

- Fist (=0):** A no vote - a way to block consensus. I need to talk more on the proposal and require changes for it to pass.
- 1 Finger (=1):** I still need to discuss certain issues and suggest changes that should be made.
- 2 Fingers (=2):** I am not in total agreement with the proposal and would like to discuss some minor issues.
- 3 Fingers (=3):** I'm neutral on this proposal but feel comfortable to let this decision or a proposal pass without further discussion.
- 4 Fingers (=4):** I think it's a good idea/decision and will work for it.
- 5 Fingers (=5):** It's a great idea and will work for it.

Housing workgroup recommendations

Committee Members – Colin, Nicole, Sarah, Susan

A. Administrative (rulemaking)

1. Establish mandatory registration of Minnesota's employer-provided housing for agricultural workers.
 - a. Rulemaking is one option. Likely DEED, MDA, and/or MDH.
 - b. Alternatively, the registration of employer-provided housing could be a condition for receiving the Housing Safety and Health Grants
 - c. Scope of reach: Minnesota's canneries, many dairies, as well as other agricultural sectors to address needs of both seasonal and year-round workers.
 - d. This registration requirement may or may not include employers participating in the H-2A program, depending on its implementation, as H-2A housing is detailed in publicly available USDOL applications.
2. Strengthen housing regulations:
 - a. Align various agency housing standards to the most safe
 - b. Conduct more proactive, and inspect while occupied

Housing workgroup recommendations (continued)

B. Legislative (statute/law)

3. Establish a program through the Minnesota Department of Labor and Industry designed to assist employers who own and provide housing for their workforce in making the housing safer and healthier.
 - a) The proposed safety grants program will award funds, with a dollar-for-dollar match up to \$10,000, to qualifying employers for safety and health enhancement to employer-provided housing designed to reduce the risk of injury or illness to their employees. To qualify, employers must: have current workers' compensation insurance; be an employer with at least one employee; own and provide housing to its workforce; have an on-site safety survey conducted by Minnesota OSHA or another approved entity listed within the application; and have on-site safety survey results that recommend specific enhancements or practices that will reduce the risk of injury or illness to employees while living in the employer provided housing.
4. Create office of an ombudsperson for independence and to assist with centralizing cross-agency functions and facilitate navigation of issues.

Housing workgroup recommendations (continued)

C. Agency Level (discretion of commissioner/staff)

5. Create a flowchart and other tools delineating designated jurisdictions and authorities for housing, labor and safety oversight. Tools should streamline the complaint process, use common language, and enable users to navigate to the correct jurisdictional authority for faster response to concerns. Tools should be available for community partners in appropriate languages.
6. Conduct more proactive inspections. Register employer provided housing and location address when businesses submit licensing applications

D. Comments/out of scope

7. Codify the AWWC Committee in MN statute so that there is a formal, and ongoing way to convene diverse stakeholders and continue to address health and safety issues for these essential workers

Workplace Safety workgroup recommendations

Committee Members – Jim, Kiza, Nicole, Rena, Rodolfo

A. Administrative (rulemaking)

8. Develop a more aggressive procedure for temporarily shutting down employers who have repeated incidents of workplace injuries, illnesses, or deaths.

B. Legislative (statute/law)

9. Adopt “penalty conformity” for OSHA safety violations, so that state penalties are consistent with federal penalties.
10. Develop a more aggressive procedure for temporarily shutting down employers who have repeated incidents of workplace injuries, illnesses, or deaths.
11. Provide DLI and other relevant state agencies with enough funding to staff and perform everything mentioned above.

Workplace Safety workgroup recommendations (continued)

C. Agency level (discretion of commissioner/staff)

12. Develop formal alliances between state agencies and worker advocacy groups to help those groups direct workers to the right state support in the moment, when they need it.
13. Develop a central source of information about government services available to ag and food processing workers that could be used by alliance groups to quickly triage workers to the right government services.
14. Ensure that employers are communicating information about workplace safety, worker rights, and where to get help in ALL languages spoken by their employees, and provide support for employers to access translated materials.
15. Identify the need for additional OSHA emphasis programs within the various subsectors of the agriculture and food processing industries to increase the number of proactive inspections.
16. Develop a competitive recognition program for employers that meet excellent workplace safety standards.

Fair Labor workgroup recommendations

Committee Members – Colin, Nicole, Rena, Susan

A. Legislative (statute/law)

17. Strengthen each of the existing MN laws that specifically provide protections to agricultural workers and workers in the meatpacking and poultry processing industries
 - a) Minn. Stat. 181.85 – 181.91 (written employment statement requirement and biweekly 70 hour pay guarantee for recruited migrant cannery workers)
 - Expand the scope of workers protected under the law (currently recruited migrant cannery workers) to include all recruited migrant agricultural workers; remove mile requirement to be a migrant worker
 - Expand DLI enforcement authority under Minn. Stat. 177.27(4) so that it can issue compliance orders for violations of this law
 - Increase penalties as some penalties haven't been updated since 2005 while others have never been updated since enactment of the law in 1981
 - Strengthen recordkeeping requirements under the law by requiring the employer to keep a record of the written employment statement provided to the worker
 - Expand scope of the employment statement to include information regarding rights under the law as well as information regarding rights related to workers' compensation and the employer's workers' compensation carrier

Fair Labor workgroup recommendations

Committee Members – Colin, Nicole, Rena, Susan

A. Legislative (statute/law) continued

- b) Minn. Stat. 181.635 (written disclosure requirement for recruited meatpacking and poultry processing workers)
 - Expand scope of workers protected to include those who relocate from within Minnesota
 - Expand scope of required disclosure to be in the preferred language of the worker
 - Increase damages and fines as they have not been updated since the law was enacted in 1995
- c) Minn. Stat. 179.86 (Packinghouse Workers Bill of Rights)
 - Expand scope of workers protected to include those who do poultry processing work
 - Require explanation in writing that is provided when employment begins
 - Expand scope of what must be provided in the explanation to include information regarding rights to workers' compensation and the employer's workers' compensation carrier
 - Expand enforcement to include penalties/fines when law is violated

Fair Labor workgroup recommendations (continued)

B. Agency level (discretion of commissioner/staff)

18. Strategic compliance framework: Within each agency or organization that has authority or job responsibilities related to matters impacting housing, safety, and labor standards of agricultural workers and workers in the meatpacking and poultry processing industries, approach problem solving in three ways:
 - a. Education – focus on education of both workers regarding their rights and employers regarding their responsibilities
 - b. Enforcement – ensure enforcement is both initiated by complaints and independently by agencies
 - c. Systems Intervention – identify opportunities to improve systems that impact workers' health, safety, and wellbeing

Next Steps

- Finalize recommendations Nov 15
- Review recommendations report

