

7538

coverage of

Agricultural Workers

under

State and Federal Labor Laws

a

Map Series

U.S. DEPARTMENT OF LABOR
W. Willard Wirtz, Secretary

BUREAU OF LABOR STANDARDS
Arthur W. Motley, Director

1964

Preface

THIS bulletin has been prepared in response to the growing interest of public and private organizations, national and local, regarding the extent to which protective labor legislation is provided for agricultural workers, both intrastate and interstate workers. Various maps and brief discussions show how 10 major labor laws apply to these workers in 52 jurisdictions. Another map shows States with organized migratory labor committees which have been appointed by the Governor or by legislative action. This bulletin was prepared by Deborah T. Bond under the general direction of Milton Brooke, Chief, Division of State Services, Bureau of Labor Standards, U.S. Department of Labor.

TABLE OF CONTENTS

Introduction	2
Regulation of Farm Labor Camps	4
Regulation of Farm Labor Contractors or Crew Leaders	6
Regulation of Transportation of Migratory Farmworkers	8
State Migratory Labor Committees	10
Minimum Age for Employment in Agriculture	12
Coverage Under Minimum Wage Laws	14
Coverage Under Wage Payment Laws	16
Coverage Under Wage Collection Laws	18
Coverage Under Workmen's Compensation Laws	20
Coverage Under Temporary Disability Insurance Laws	22
Coverage Under Unemployment Insurance Laws	24
Major Labor Laws in Relation to the Number of Hired Seasonal Agricultural Workers	26

INTRODUCTION

IN recent years there has been a growing interest in this country in enacting new legislation or in extending coverage of existing legislation for the benefit of agricultural workers. The greatest strides so far have been made in the field of housing and sanitation facilities.

As shown in the following table, 30 States have mandatory statewide minimum standards for the camps in which migratory agricultural workers live; some 17 jurisdictions provide certain benefits for agricultural workers under their workmen's compensation laws; 20 States prohibit the employment of young children in agriculture either during school hours, outside school hours, or both.

A further sign of interest is evidenced by the fact that 27 States have official migratory labor committees whose primary functions are to study the problems of migrant agricultural workers, coordinate programs in the community, and make recommendations to legislatures for new programs.

On the other hand, there are other types of laws, such as minimum wage, wage payment and wage collection, and regulation of intrastate transportation, where little or no legislative progress has been made for agricultural workers. State legislators' awareness of these lacks is apparent, however, by the fact that an increased number of bills have been introduced each year. Some of these are enacted each year, yet the present pace is not nearly rapid enough to bring these workers, for some years to come, to the level of protection offered to industrial workers.

4

Coverage of Agricultural Workers Under 10 Major Labor Laws

State	Farm Labor Camp Regulation	Farm Labor Contractor Regulation	Transportation Regulation	Minimum Wage Law	Child Labor Law	Wage Payment Law	Wage Collection Law	Workmen's Compensation Law	Temporary Disability Insurance Law	Unemployment Insurance Law	Total number of laws in each State	State Migratory Labor Committees
Alabama					X			X			0	
Alaska	X							X			2	X
Arizona								X			0	X
Arkansas		X			X			X			9	X
California	X			X	X			X			9	X
Colorado						X					5	X
Connecticut	X	X	X		X	X		X			4	X
Delaware	X							X			1	X
District of Columbia					X					X	2	X
Florida	X				X						2	X
Georgia											0	
Hawaii	X			X	X			X			3	X
Idaho	X										2	X
Illinois	X				X						1	X
Indiana	(1)				X						1	X
Iowa											1	
Kansas	X										1	
Kentucky	(2)							X			1	
Louisiana								X			1	
Maine								X			1	
Maryland	X				X			X			2	X
Massachusetts	X				X			X			4	X
Minnesota	(4)				X			X			4	X
Mississippi	X					X		X			3	X
Missouri											0	
Montana					X						1	
Nebraska	X										1	
Nevada	(2)										0	X
New Hampshire	X					X		X			2	
New Jersey											4	X
New Mexico	X				X			X			4	X
New York	X				X			X			1	X
North Carolina	X				X			X			1	X
North Dakota	(1)										2	X
Ohio											0	
Oklahoma	X				X			X			3	X
Oregon	X				X						3	X
Pennsylvania	X				X	X		X			6	X
Puerto Rico	X				X			X			5	X
Rhode Island	X										1	
South Carolina								X			1	X
South Dakota								X			1	X
Tennessee											0	
Texas					X						1	X
Utah	(1)										1	
Vermont								X			1	X
Virginia	X										2	X
Washington	X				X						2	X
West Virginia	X					X					2	X
Wisconsin	X				X			X			4	X
Wyoming	X							X			2	X
Total laws:											xxx	
Agricultural workers	30	9	8	4	20	6	3	17	1	4	52	xxx
Other workers	(4)	(4)	(5)	35	52	48	21	52	4	52	xxx	27

1 Advisory standards.
2 Mandatory standards for certain growers.

3 Limited coverage.
4 Not applicable.

REGULATION OF FARM LABOR CAMPS

Purpose of Law

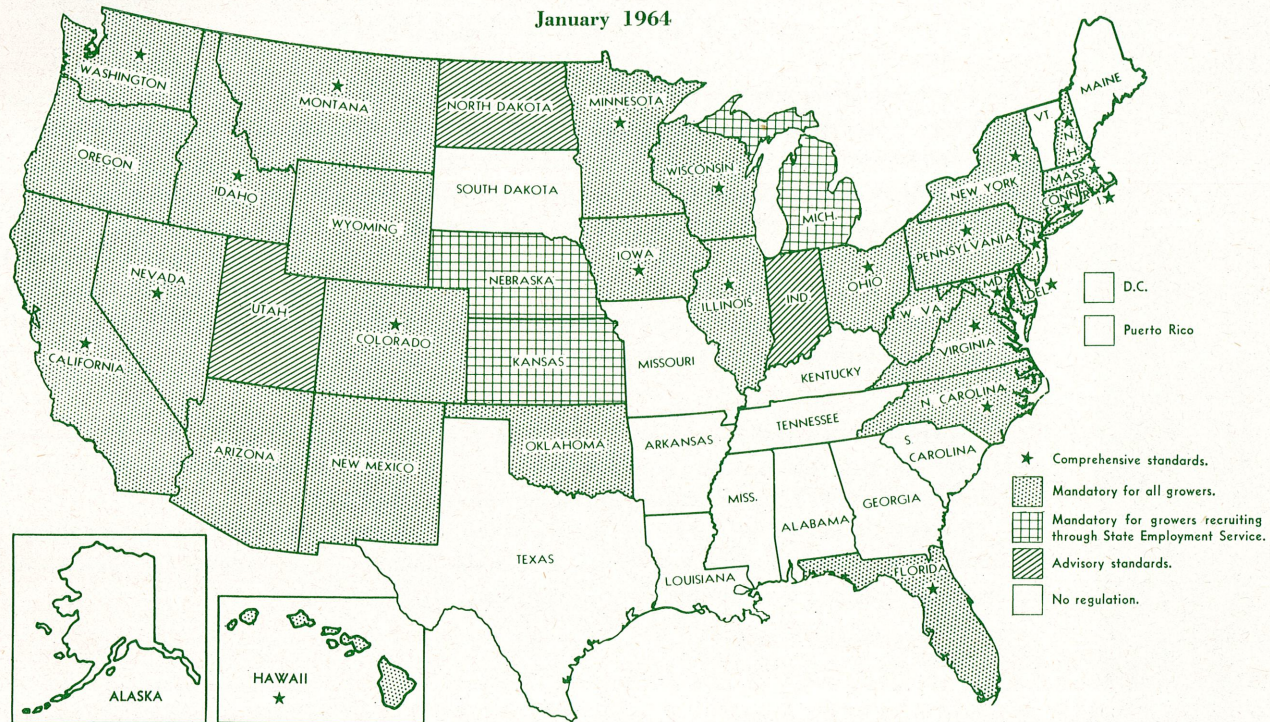
Because each farmer tends to make minimum housing plans for workers in terms of his own short-term seasonal needs, migrant workers are very often subjected to a series of substandard living quarters during a given season. Although no State requires an employer to furnish housing, if he does choose to do so, he must, under some State laws, secure a license or permit, and provide housing that meets certain standards of sanitation, location, construction, and maintenance.

Laws Enacted

Thirty-six States regulate farm housing. Thirty of these set statewide mandatory standards, while three provide such standards for those growers recruiting workers through the State Employment Service. The remaining three have advisory standards with no enforcement provisions. Of the 30 mandatory regulations, 24 include comprehensive standards on the items mentioned above.

REGULATION OF FARM LABOR CAMPS

January 1964



REGULATION OF FARM LABOR CONTRACTORS AND CREW LEADERS

Purpose of Law

Farm labor contractors and crew leaders are responsible for job placement of most migratory workers and for making agreements for them on wages and working conditions. Farm labor contractors are mainly recruiters of others for farmwork, while crew leaders are usually workers themselves. In general, both farm labor contractors and crew leaders maintain an employer-employee relationship with those agricultural workers they recruit. State laws applying to such persons include requirements for annual licensing or registration and prompt payment of wages when due; and prohibitions against certain undesirable employment practices, such as giving false information relating to the terms, conditions, or existence of employment.

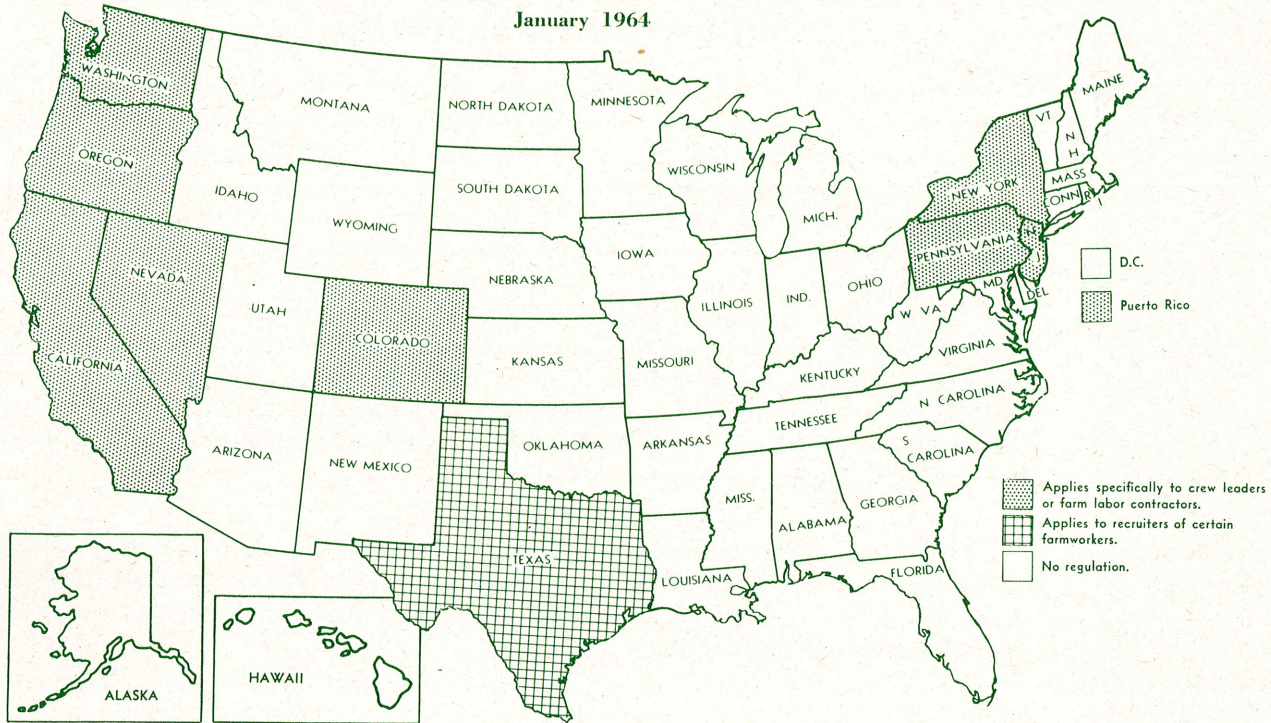
Laws Enacted

In eight States and Puerto Rico, the laws or regulations include these requirements for farm-labor contractors and crew leaders. In four of the States—California, Colorado, Nevada, and New York—certain payroll records are required.

An additional State, Texas, has a law which is primarily designed to control the recruitment activities of emigrant agents, but it also includes requirements for agents who recruit agricultural workers for out-of-State use.

REGULATION OF FARM LABOR CONTRACTORS OR CREW LEADERS

January 1964



REGULATION OF TRANSPORTATION OF MIGRATORY FARMWORKERS

Purpose of Law

For many agricultural workers, over-the-road travel in private vehicles is as much a part of their occupational activities as sowing and harvesting crops. Each year tragic road accidents claim the lives of, or cause injury to, hundreds of migratory workers. The Federal Government has made a beginning toward cutting down such accidents by authorizing the Interstate Commerce Commission to regulate transportation (except in family vehicles) of three or more farmworkers traveling distances of at least 75 miles across State lines to and from places of employment.

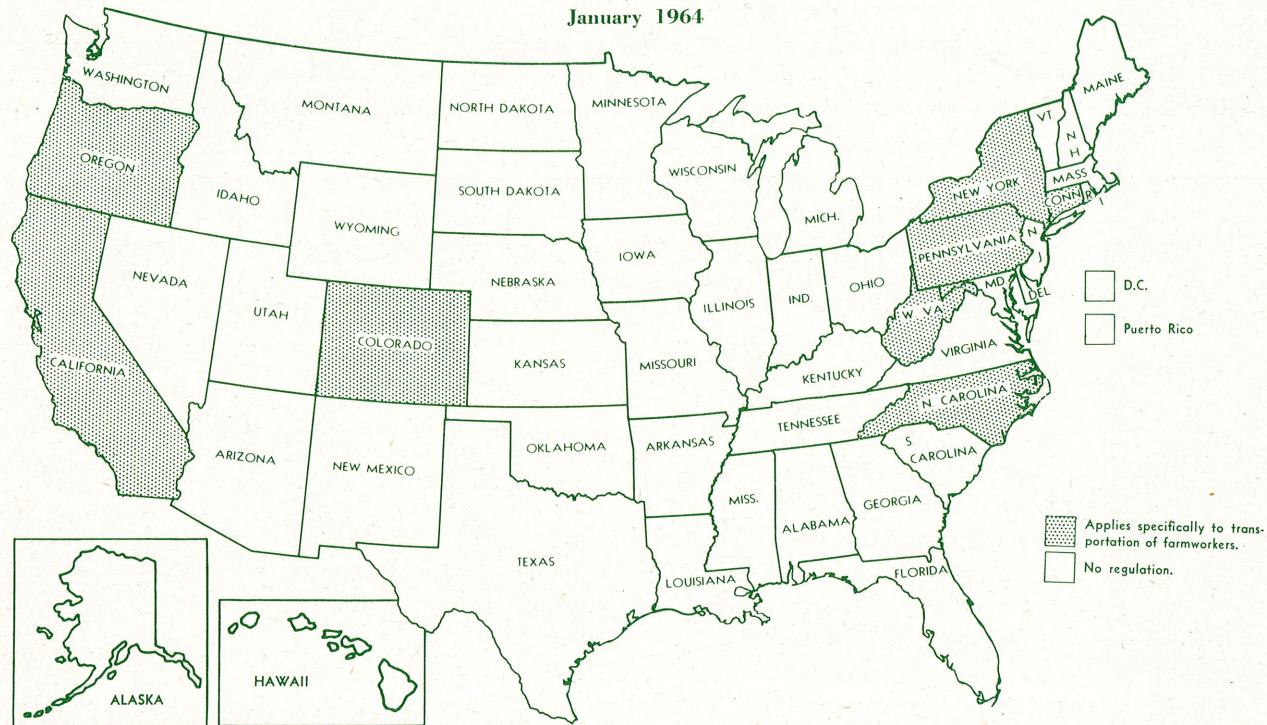
This regulation includes standards (1) for safety and operation of the equipment, such as requiring that brakes, lights, steering mechanisms, and tires be in good working order; (2) for drivers, specifying that they be properly licensed, physically fit, and that they be given a rest period after 10 hours of driving time; and (3) for the comfort and safety of passengers, such as requiring seats for all, side rails and handholds on trucks; and at least an 8-hour rest stop every 600 miles.

Laws Enacted

Only eight States have issued specific requirements for transportation of migratory agricultural workers, five of them making detailed requirements similar to the Federal regulation. The other three have regulations which deal primarily with safety of operation and equipment of the vehicles.

REGULATION OF TRANSPORTATION OF MIGRATORY FARMWORKERS

January 1964



*Purpose
of
Committees*

*States
with
Committees*

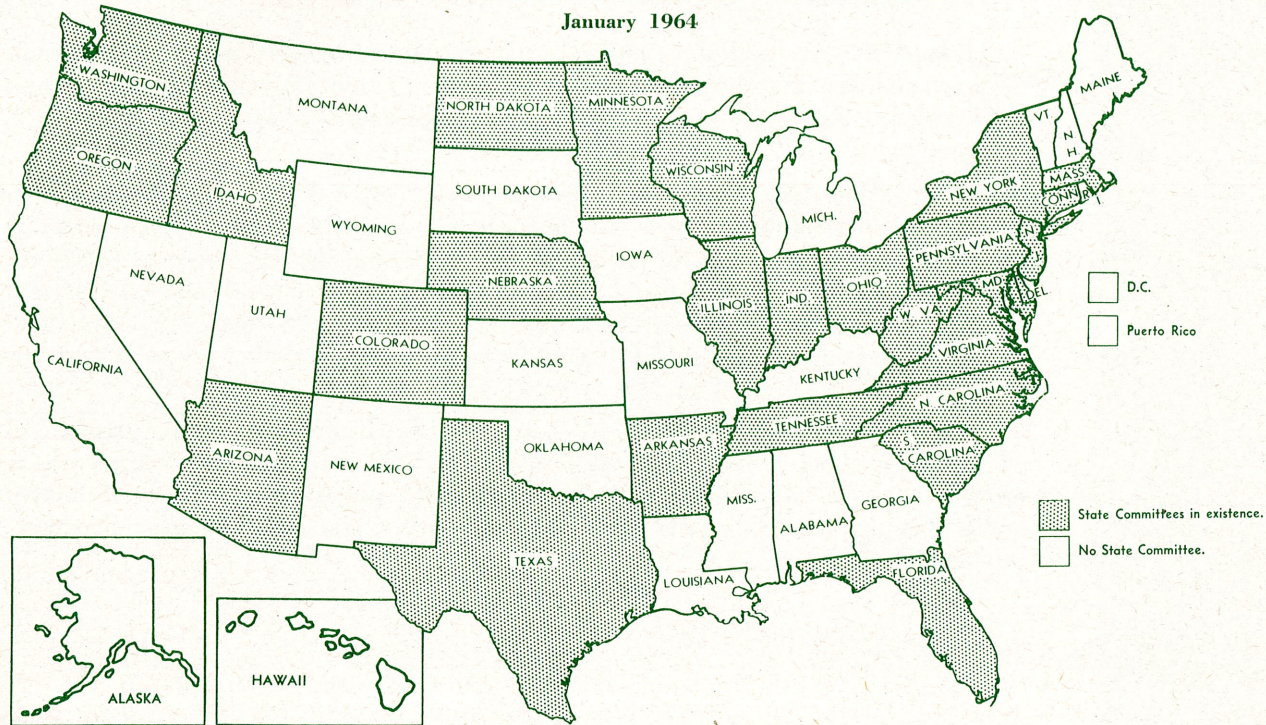
STATE MIGRATORY LABOR COMMITTEES

The objectives of the committees are generally to (1) study the State's migratory labor situation, (2) promote interest in and encourage action on the local level in all areas affecting these workers, and (3) make recommendations for needed legislation.

Twenty-seven States have official statewide migratory labor committees. The composition of the committees varies in each State. They may be made up entirely of government officials, or of laymen, or a combination of both. The committees are usually appointed by the Governor; however, in four States they were established by legislative action.

STATE MIGRATORY LABOR COMMITTEES

January 1964



MINIMUM AGE FOR EMPLOYMENT IN AGRICULTURE

Purpose of Law

Compared with employed children in nonagricultural occupations, those in agricultural occupations have meager protection under child labor laws. Among other things, these laws are designed to protect children from being employed at unsuitable ages.

State Laws Enacted

In 18 States, the District of Columbia, and Puerto Rico, the child-labor laws specifically set a minimum age for children who work in agriculture. Eleven of the 20 jurisdictions set such an age for work both during and outside school hours, while 8 set a minimum for work during school hours only, and 1 for work outside school hours only.

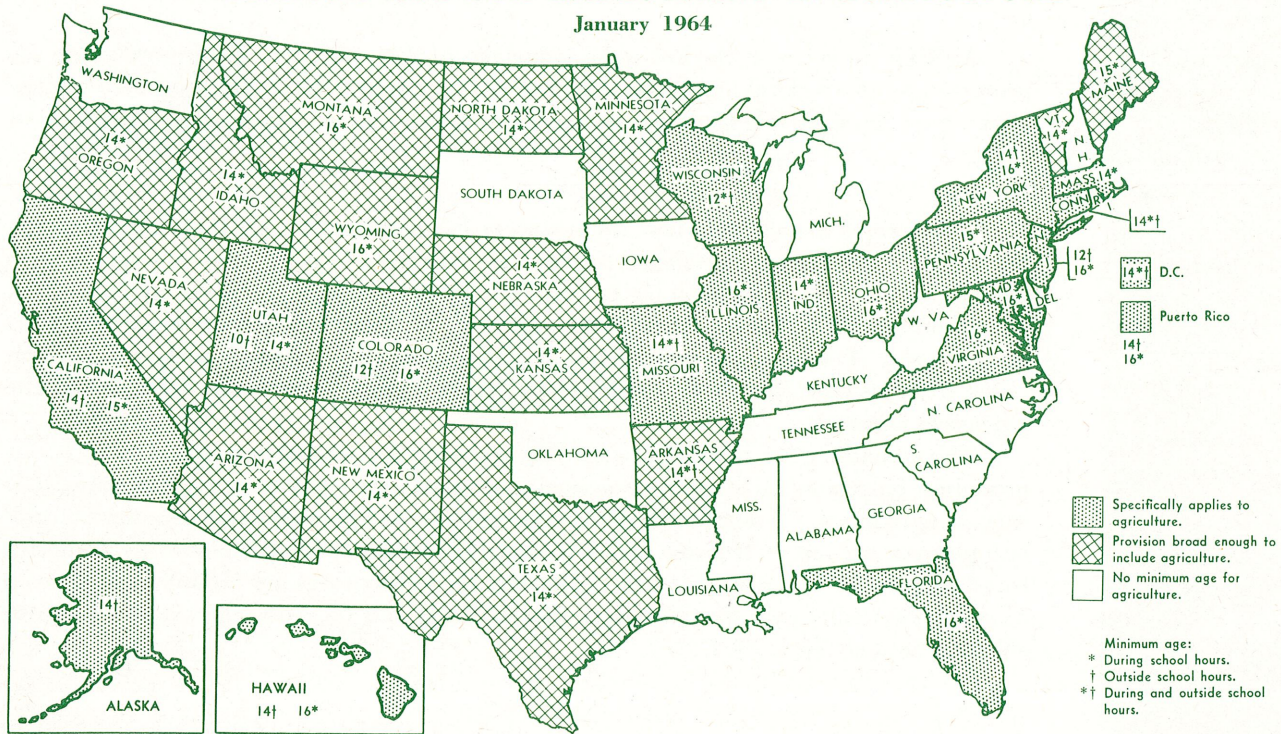
The laws of 15 other States set a minimum age for work covering "any occupation" or "any business or service"—which could be interpreted to include work in agriculture.

Federal Laws Enacted

The Federal Fair Labor Standards Act sets a 16-year minimum age for agricultural work during school hours. This standard applies to farmers engaged in interstate or foreign commerce. Another Federal law, the Sugar Act, prohibits employment of children under 14 at any time. The producer must comply with this standard to obtain maximum benefits under this act.

MINIMUM AGE FOR EMPLOYMENT IN AGRICULTURE

January 1964



COVERAGE UNDER MINIMUM WAGE LAWS

Purpose of Law

Agriculture is one of the low-wage industries in this country. Farmworkers are not protected by the Federal minimum wage law nor by most of the 35 State minimum wage laws. Such laws provide for wages necessary to workers to maintain a minimum level of living.

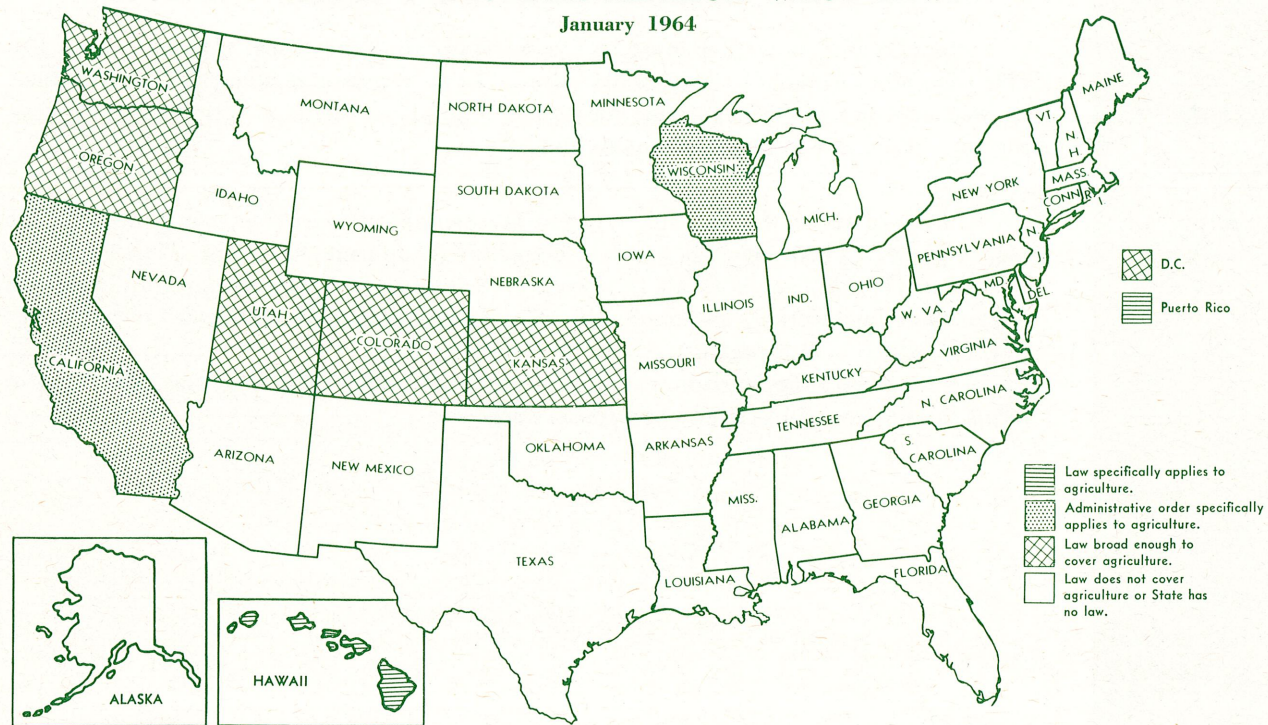
Laws Enacted,

Nineteen of the 35 State laws set statutory minimum rates. Of these 19, all except Puerto Rico and Hawaii specifically exempt agriculture. The Hawaii law requires payment of at least \$1.25 an hour by an employer in any week in which he employs 20 or more workers. The Puerto Rico law sets 25 cents an hour, but certain wage orders set higher rates. For instance, its general agricultural wage order sets hourly rates which range from 30 cents for those employed in "minor" crops to 60 cents for those in the pineapple industry.

The remaining 16 minimum wage laws provide for setting wages by wage board procedure only, and they apply to women and minors, but not to men. Of these, half exempt agriculture. The other half have coverage broad enough to include agricultural occupations, but only California and Wisconsin have used their administrative authority to set rates in such occupations. In California, the hourly rates are \$1, and in Wisconsin 85 cents for adults (\$1 effective September 1, 1964) and 65 cents for minors (75 cents effective September 1, 1964).

COVERAGE UNDER MINIMUM WAGE LAWS

January 1964



*Purpose
of
Law*

*Laws
Enacted*

COVERAGE UNDER WAGE PAYMENT LAWS

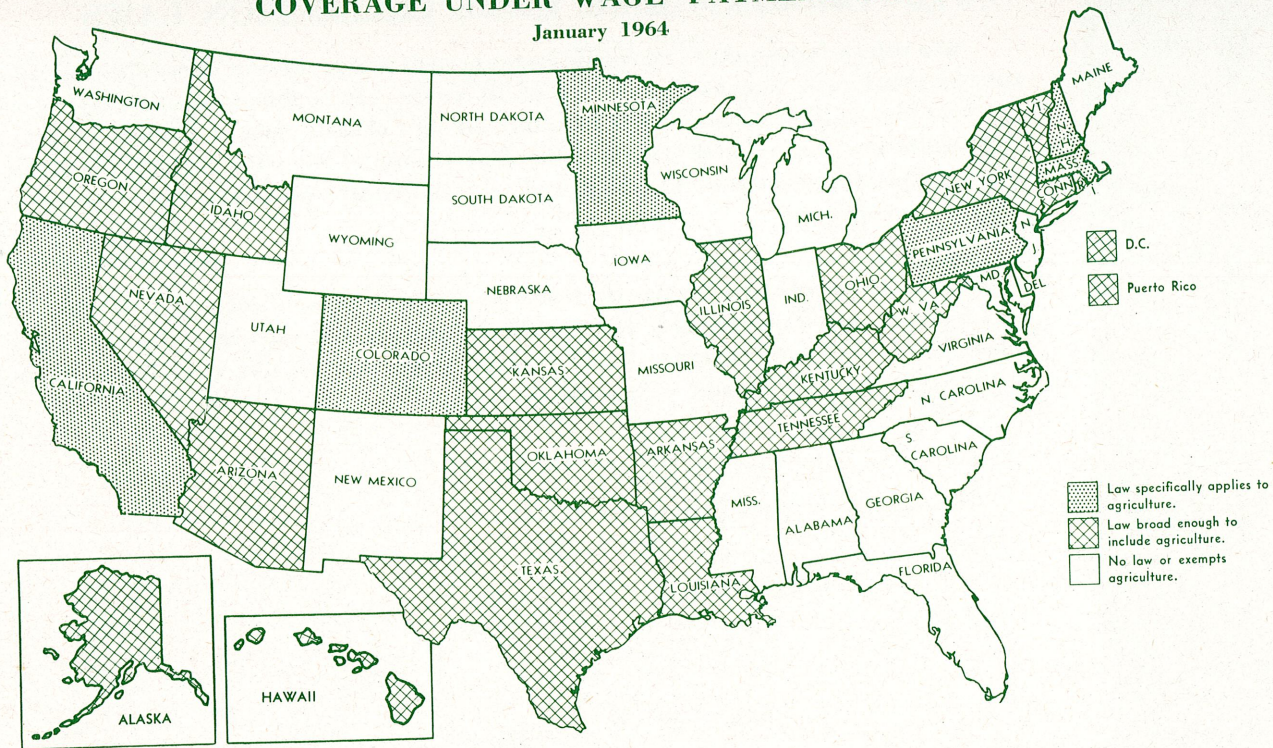
The agricultural worker must be free to move with the crops; thus he is even less able than other workers to wait for his wages. Laws requiring regular paydays, payment in cash or other easily negotiable form, and prompt payment on termination of work for any reason, are very important to him.

Only 6 of the 47 State wage payment laws specifically provide such protection for farmworkers. Their coverage varies. Four laws (California, Colorado, Massachusetts, and Pennsylvania) apply to all farmworkers, while that of New Hampshire applies if five or more farmworkers are employed. The Minnesota law is applicable to "transient" workers, which is interpreted to cover migratory workers.

Twenty-two other jurisdictions define coverage under their wage payment laws in terms broad enough to cover agricultural workers.

COVERAGE UNDER WAGE PAYMENT LAWS

January 1964



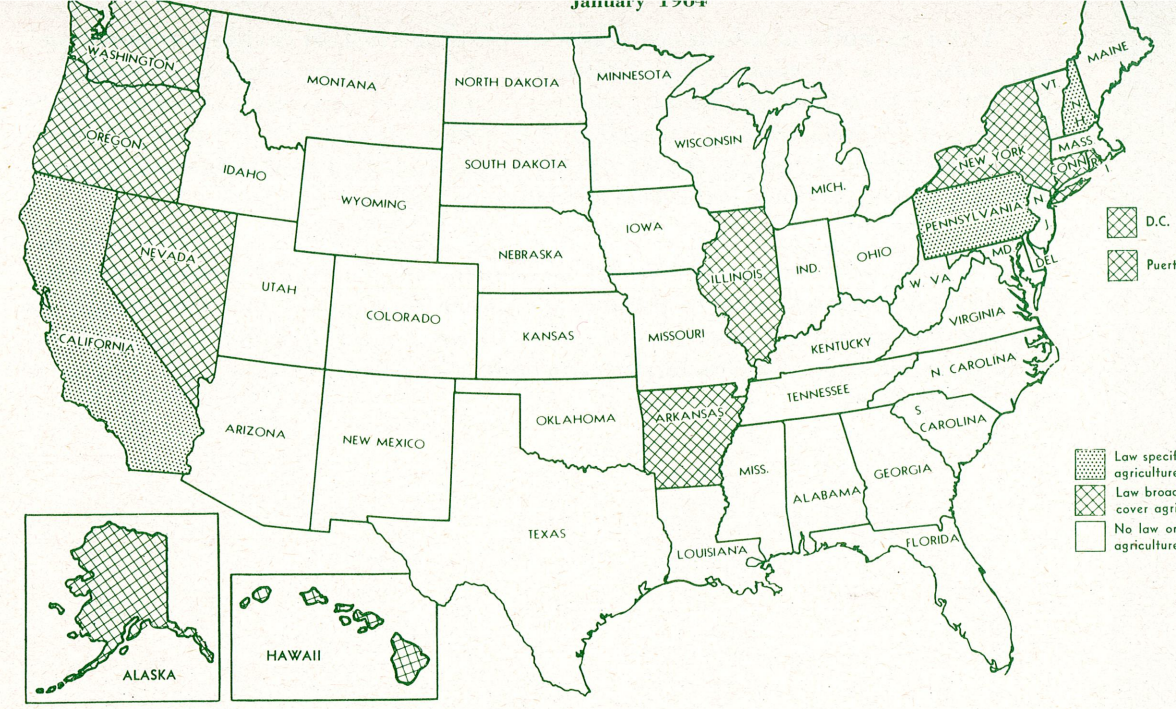
*Purpose
of
Law*

*Laws
Enacted*

COVERAGE UNDER WAGE COLLECTION LAWS

As a rule, a farmworker's economic status is such that he cannot afford the expenditure for court costs to enforce collection of his wages. It is, therefore, of great importance to him to have access to the collection services offered under a number of State wage collection laws. These laws give the departments of labor the authority to accept wage complaints, make investigations, and take assignment of wages, with little or no cost to the employee.

While 21 jurisdictions authorize the labor commissioner to offer such services to industrial workers, only three of these also specifically include agricultural workers. Twelve others have laws with coverage broad enough to provide assistance to farmworkers, but the remaining six exempt such workers.



*Purpose
of
Law*

*Laws
Enacted*

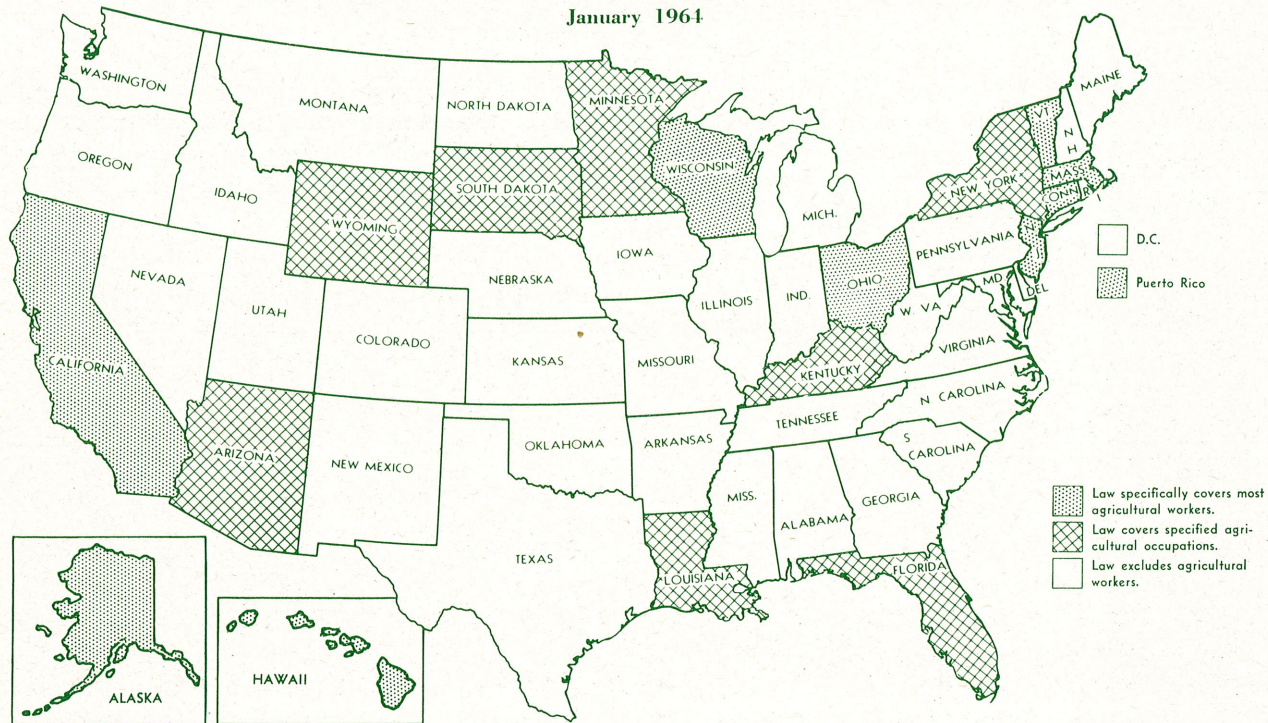
COVERAGE UNDER WORKMEN'S COMPENSATION LAWS

As the agricultural industry increases its use of mechanical devices for sowing and harvesting crops, it becomes more evident that an ever-growing number of agricultural jobs involve hazardous conditions. In most hazardous occupations, industrial workers are covered by workmen's compensation laws, which, in case of a job injury, provide them with benefits to help make up for loss of wages, as well as with medical services, and, in a number of States with some rehabilitation benefits.

Every State, as well as the District of Columbia and Puerto Rico, has a workmen's compensation law, but only 18 jurisdictions specifically provide some coverage under this law for agricultural workers. Of these, 10 cover most agricultural employment, while the other 8 apply only to certain farm occupations, usually the operation of power-driven machinery.

COVERAGE UNDER WORKMEN'S COMPENSATION LAWS

January 1964



COVERAGE UNDER TEMPORARY DISABILITY INSURANCE LAWS

Purpose of Law

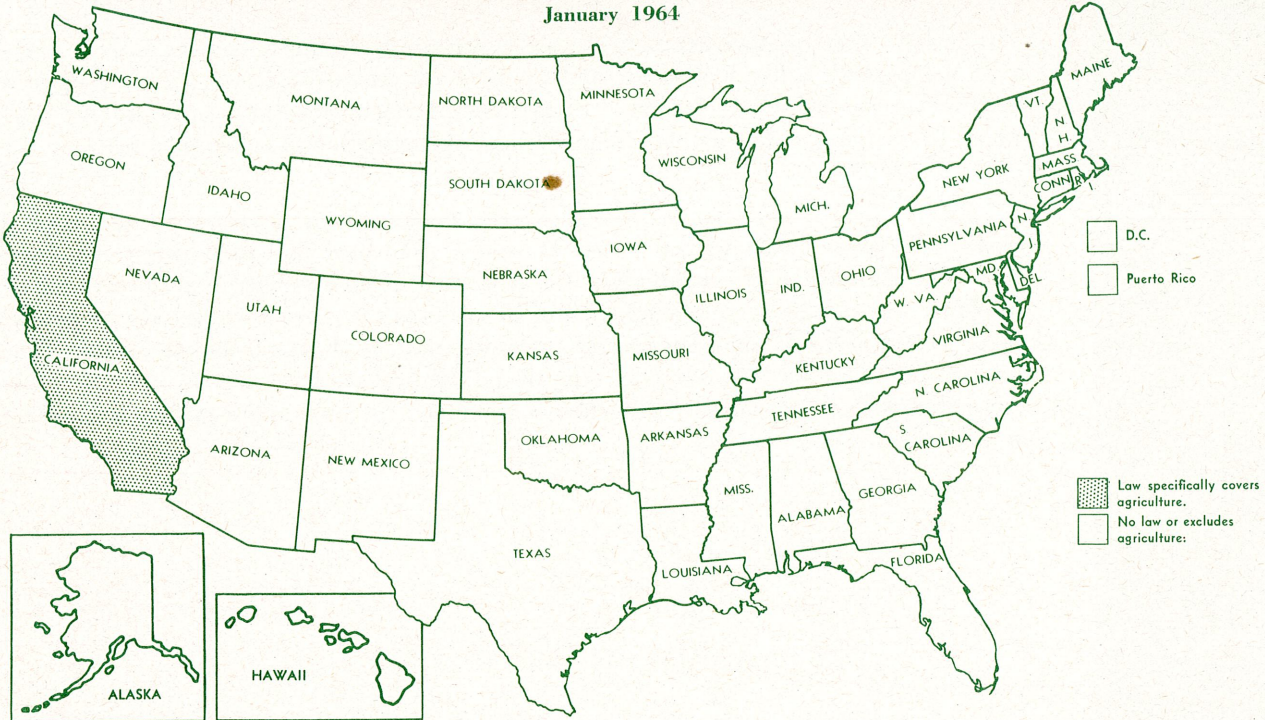
Considering the nature of the work and the usual poor living conditions of workers in the agricultural industry, it is reasonable to assume that there exists a high proportion of non-work-connected illnesses and injuries among such workers which causes loss of worktime and pay. State temporary disability laws provide compensation to workers for such loss of pay.

Laws Enacted

So far, only four States have such laws, and of these, California is the only one to provide benefits for agricultural workers.

COVERAGE UNDER TEMPORARY DISABILITY INSURANCE LAWS

January 1964



*Purpose
of
Law*

*Laws
Enacted*

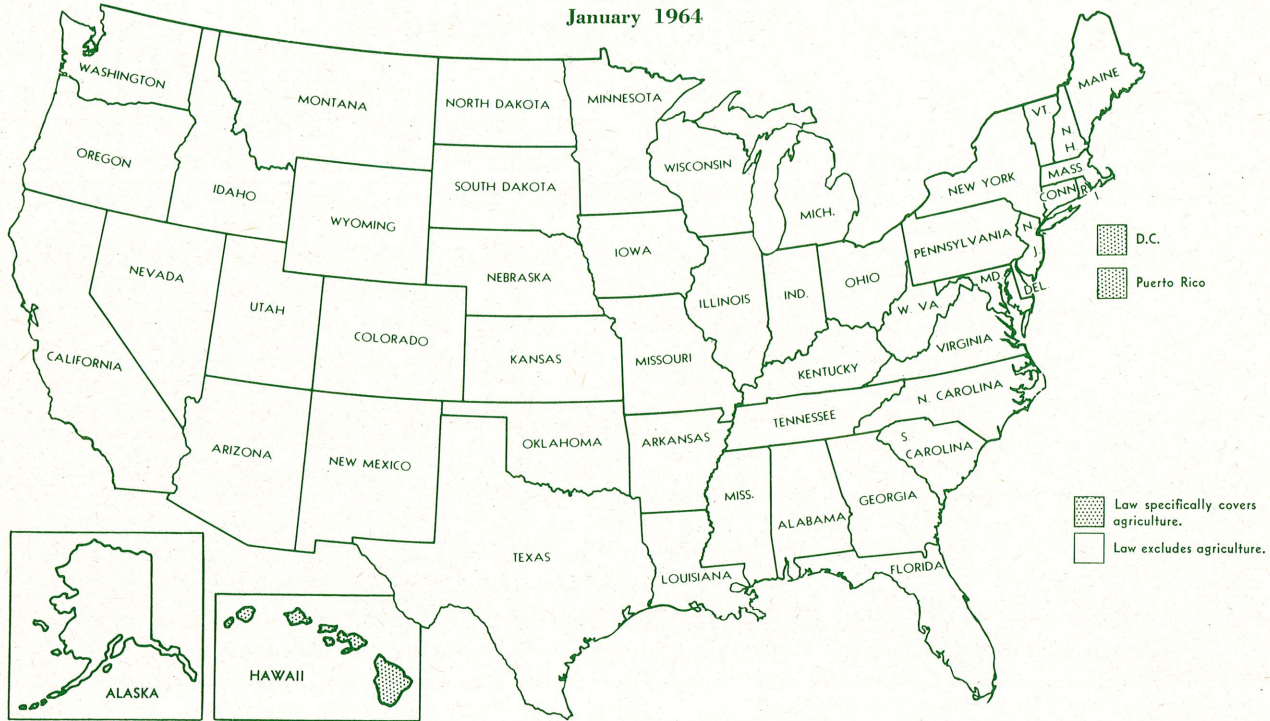
COVERAGE UNDER UNEMPLOYMENT INSURANCE LAWS

Periods of unemployment between agricultural jobs during a harvest season, along with the periods between seasons, add up to a considerable amount of time when a farmworker has no steady income. State unemployment insurance laws provide payments to workers, under certain circumstances, during periods of unemployment.

Every jurisdiction has an unemployment insurance law. However, agricultural workers are covered only by the laws of Hawaii, Puerto Rico, and the District of Columbia. The Hawaii law covers all agricultural workers if their service is performed for an employer who has 20 or more employees in 20 weeks in the current or preceding calendar year. The Puerto Rico law covers agricultural workers in the sugar industry only. The District of Columbia law, which covers all agricultural workers, has limited effect because the District is primarily an urban community; its law applies mainly to workers in nurseries and dairies.

COVERAGE UNDER UNEMPLOYMENT INSURANCE LAWS

January 1964



MAJOR LABOR LAWS IN RELATION TO THE NUMBER OF HIRED SEASONAL AGRICULTURAL WORKERS

Of special significance is the relationship of the States' use of hired seasonal workers ¹ to the enactment of protective labor legislation for such workers. Except for a very few States, those with the greatest need for seasonal workers have enacted the fewest protective laws. This disparity is pointed up in the following table showing the number and percent of hired seasonal agricultural workers in relation to the laws enacted in each State:

	Number of States	Hired seasonal agricultural workers [*]	
		Number	Percent
Total	50	883, 897	100. 0
With none of the 10 laws	12	416, 612	47. 0
With 1-2 of the laws	25	302, 755	34. 4
With 3-4 of the laws	8	60, 040	6. 8
With 5-10 of the laws	5	104, 490	11. 8

^{*}Source: 1959 Census of Agriculture, Bureau of the Census, Vol. II, ch. IV, p. 236.

As shown in the table, nearly half of the hired seasonal agricultural labor force worked in States that do not have any of the 10 laws. At the other end of the scale, less than 12 percent of the labor force worked in States with five or more laws. While such a comparison does not evaluate the relative importance of each law, it does emphasize the grave lack of protective legislation for agricultural workers throughout the country.

¹ Defined as those who are employed less than 150 days.

HOW MANY OF THE 10 LABOR LAWS ARE IN EFFECT IN EACH STATE

January 1964

