

JUSTICE FOR FARMWORKERS



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NEWS RELEASE

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Amendments to farmworker rights bill assuage ag concerns, provide us a path toward justice

Statement by The Reverend Richard Witt, Director of Rural & Migrant Ministry, on behalf of the Justice for Farmworkers Campaign:

Following extensive consultation with all interested parties, today the Senate put forth an amended **Farmworkers Fair Labor Practices Act (S.2247-a)**, that will strengthen NY agriculture while making substantial progress toward the just and dignified treatment of farmworkers. The amended bill thoughtfully accommodates the concerns raised by the New York Farm Bureau, while leaving intact the bill's integrity and purpose. Having concluded this exhaustive dialogue, we support the Legislature moving toward enactment of this bill into law.

In the spirit of cooperation and with an eye toward progress, the Justice for Farmworkers Campaign supports the bill's amendments:

- Collective bargaining protections are limited to workers on farms with sales exceeding \$500,000—exempting over 95% of New York farms and covering only agribusinesses.
- The overtime threshold (i.e. the number of hours of straight pay before time-and-a-half kicks in) is increased from 40/week and 8/day to 60/week (55/week beginning in 2013) and 10/day, and on the 7th consecutive work day.
- Farms employing piece-rate workers are given special attention. Only 1.5 times the minimum wage will be required for overtime hours, rather than 1.5 times the worker's regular rate.
- Existing unemployment tax liability on guestworker wages is eliminated entirely, resulting in \$1 million or more in annual savings for New York farmers.
- Small farms are allowed continued exemption from workers compensation and unemployment insurance tax liabilities.
- "Family" is defined as broadly as possible and exempted from coverage under the Act
- The bill's effective dates are pushed back.

As is self-evident, the amendments are quite substantial. For example, moving the overtime threshold in this way will mean that the extra work farmworkers most commonly perform (between the 40th and 60th hour of work) will continue to be compensated at straight time, with no overtime premium. Only after an additional 2 hours per day or 20 per week will farmworkers begin to receive time-and-a-half pay. Moreover, the amendments also demonstrate particular sensitivity toward small family farms.

We support the amended Farmworkers Fair Labor Practices Act. We hope that all interested parties will now act in good faith as New York takes this major step toward justice and equality for all workers. We thank the Senate leadership for facilitating this process and our 28 bill sponsors from both parties and all across the state for their continued pursuit of Justice for Farmworkers.

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