



The League of Women Voters of Oregon is a 101-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

May 18, 2021

To: House Committee on Rules
Chair, Representative Barbara Smith Warner
Vice-Chairs, Representatives Christine Drazen and Paul Holvey
Representatives Daniel Bonham, Julie Fahey, Andrea Salinas, and Jack Zika

Re: [HB 2358](#) overtime pay for farm workers—**Support**

The League of Women Voters of Oregon has listened carefully to public hearing testimony on both sides of the question raised in HB 2358 during the Public Hearing in the House Business and Labor Committee: **Should farm workers be afforded via state law the same protection against overtime work without additional compensation enjoyed by most other categories of workers under the federal Fair Labor Standards Act of 1938 even though their employers would experience increased labor expenses?**

We must answer yes, for several reasons as addressed in earlier testimony to members of the House Business and Labor Committee.

- The League of Women Voters believes that all persons have the right to an income and/or services sufficient to meet their basic needs for food, shelter, and access to health care. The LWVUS Board has interpreted the League's "Meeting Basic Human Needs Position" to include support for a "living wage."
- The Oregon League conducted a [study of Farmworker issues](#) in 2000. With regard to income sufficiency, we found farmworkers to be ". . . among the poorest of all workers." While we don't see serious dispute of this fact, a major part of the reason for that, as well as for high risk of poor health status and other associated indicators, is exclusion of farmworkers from coverage by major national laws put in place to provide basic protections for America's employees. This began with their exclusion from the Fair Labor Standards Act of 1938, which, among provisions, called for overtime pay. The agricultural lobby has consistently opposed changes to that Act, as well as to other laws regarding labor rights. Our study called for a number of ways to address income and other inequities, including support for overtime pay for farmworkers.
- Perhaps our most salient reason for supporting HB 2358 is the League's commitment at the national, state, and local levels to supporting diversity, equity, and inclusion and combating policies and practices based on racism. The bill's sponsor, Representative Andrea Salinas, pointed out, including in her testimony submitted to the House Business and Labor Committee, that the exclusion of farmworkers from the protections of the Fair Labor Standards Act of 1938 stemmed from a political deal in Congress to obtain the votes of southern Legislators for that and other New Deal legislation. We offer collaborative [further research](#) on this and link to her [testimony](#), rather than repeat the shockingly transparent quotations she provided for the record.

As we stated above, [HB 2358](#) is the long-overdue extension of the right to overtime pay to farmworkers, a right that most other categories of workers have enjoyed for the past 83 years. It is one step in the direction of improving the economic stability of farm workers—essential workers who, due to language, discrimination, educational level, and/or citizenship status, have few if any other employment choices. And importantly, as those who have researched the history of the farmworker exclusion from the various protections of the 1938 Fair Labor Standards Act including overtime pay, HB 2358 is about righting a wrong, well-documented to have been based on racism. The time to do that is now.

To do what HB 2358 seeks to do carries with it the unfortunate reality that another sector of great importance to us all, those who raise the agricultural products we rely on, are disadvantaged. Giving farm workers a right they should have had all along simultaneously ends a cost-saving measure the agricultural businesses have come to rely on.

HB 2358, by proposing to require the agricultural community to pay their workers 1.5 times the normal hourly rate for hours over 40/week (or for 50 or 45 hours/week during phase-in years described in the [-4](#) proposed amendment), is seen as unaffordable and therefore must be opposed. Some opponents of the bill have called for scrapping it this session and instead putting the question off for interim study. Given what we found in our study from the year 2000, we counsel against this. It isn't reasonable to expect that the time for this will ever be adjudged by producers to be "right." For example, the sponsors attempted to address concerns that the change is too sudden by proposing a phase-in schedule, but opponents reject that as making no difference. Opponents warn that the farm workers themselves will wind up with reduced incomes or otherwise be harmed. This is the same argument that has been used when workers won increased hourly wages. Farm worker organizations and those who [testified](#) on their own behalf are uniform in their support for the bill.

Legislators have a difficult choice to make as you consider the two sides to this question. We have concluded unequivocally for requiring in 2021 that overtime work by farm workers is essential in terms of fairness, equity, dignity, and economic and social justice. Exclusion of farm workers from overtime pay requirements has resulted in significantly lower total earnings despite potentially unsafe and unhealthy numbers of hours worked by a population with high rates of poverty, illness, and often exceedingly poor living conditions.

Please adopt the proposed amendments and vote "aye" on HB 2358. Thank you for your attention to these comments.



Rebecca Gladstone
President



Claudia Escobar Keith and Shirley Weathers
Immigration, Refugees, and other Rights Portfolio

Cc: Rep. Ricki Ruiz, Senator Lew Frederick, Reps. Alonso Leon, Campos, Dexter, Grayber, Hudson, Meek, Neron, Pham, Reynolds, Sanchez, Valderrama, Witt, Melissa Leoni, LPRO Analyst