

YOUR RIGHTS AS AN AGRICULTURAL WORKER

If you work on a farm in New York State, beginning **January 1, 2020**, you are entitled to workplace rights, no matter what your immigration status is.

KNOW YOUR RIGHTS



YOU HAVE THE RIGHT TO:

ORGANIZE AND COLLECTIVELY BARGAIN

- You have the right to form or join a union.
- Even without a union, you have the right to join with co-workers to try to improve your pay or working conditions by demanding changes from your employer or taking other collective action like informational picketing during non-work time.
- If your employer takes any action against you for these activities, you have the right to file a complaint with the New York State Public Employment Relations Board (PERB).
- If you strike or engage in a work stoppage or slowdown, your employer has the right to file a complaint against you with PERB.

BE PAID FAIRLY FOR YOUR WORK, INCLUDING OVERTIME PAY

- You are entitled to be paid at least minimum wage for hours worked up to 60 per week, and overtime pay for hours over 60.
- For every hour you work after 60, you are entitled to a rate that is at least equal to 1.5 times your hourly rate.
- Even if you were scheduled for fewer hours, you must be paid for every hour you work, beginning when your employer requires you to be available for work. For example, if you must show up for work at 7 a.m., but you are not taken to the field until 8 a.m., you must be paid for your work beginning at 7 a.m.

A DAY OF REST

- You are entitled to at least 24 consecutive hours of rest each week. 24 hours spent at rest because of weather or other circumstances counts as a day of rest.
- You are entitled to a day of rest, even if you worked less than 60 hours for the week.
- Your boss cannot force you to give up your day

of rest or threaten retaliation if you do not give it up.

- If you choose to work on your day of rest, you must be paid at least 1.5 times your hourly rate for each hour you work.

WORKERS' COMPENSATION, DISABILITY BENEFITS AND PAID FAMILY LEAVE

- If you are injured or ill on the job, your employer must pay for your medical treatment, and sometimes, lost wages. If your supervisor has notice of your injury, they must inform your employer.
- If you become injured or ill outside of work, you may be entitled to temporary cash benefits.
- If you need time off to care for a newborn or adopted child, or a family member with a serious health condition, you may be entitled to time off with pay.
- Your employer must post notices in English and Spanish with information on how to file claims for all these benefits.

RECEIVE ANY VISITOR IN YOUR HOME DURING NON-WORKING HOURS

- You have the legal right to receive clergy, service providers, lawyers, members of labor organizations or any other guests of your choosing, even if you live on a farm in housing provided by your employer.
- Your employer may not threaten your visitors with criminal trespass or otherwise interfere with this right.

SAFE AND CLEAN HOUSING

- Your employer is required to keep your home in good repair, with adequate heat, light, and ventilation; and free from fire hazards, leaks, rodents, and other conditions that might make it unhealthy or unsafe.

- As of **January 1, 2021**, these rights cover all migrant worker housing, regardless of the number of workers currently living in the house.

FREEDOM FROM RETALIATION

- You have the right to be free from retaliation by your employer for exercising or attempting to exercise any of these rights. Retaliation includes firing, threatening, punishing, or in any other manner discriminating against you. It also includes reporting or threatening to report your immigration status or that of your family.

If you feel your rights have been violated, please call:

Workers' Center of Central NY, 315-218-5708
Worker Justice Center, 1-800-724-7020
Alianza Agricola, 585-642-3651
Rural and Migrant Ministry, 845-485-8627

NYCLU

ACLU of New York

www.nyclu.org