

RATIONALE FOR AN UPDATE OF LWVOR POSITION ON FARMWORKERS

**Written and submitted on 1-25-23 by Melanie Billings-Yun and Audrey Zunkel-deCoursey
of the LWVPDX Program Planning group discussion on
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Although the terms “farmworker” and “agricultural worker” are often used interchangeably, in labor law “farmworker” is sometimes used more narrowly, applying only to a worker involved in agricultural production, including harvesting, but not to other on-farm jobs, such as picking fruit or other farm operations. The term “agricultural worker” began to be preferred following the 2007 International Labor Office report on “Agricultural Workers and Their Contribution to Sustainable Agriculture and Rural Development.”

While the State of Oregon traditionally used the term Farmworker, as in its 2004 brief on “Farmworker Labor,” that language was clarified by the Oregon Bureau of Labor and Industries 839-020-0004 (<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=210125>):

Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market. "Agricultural employment" is employment in "Agriculture" as herein defined.

Oregon’s new overtime and minimum wage laws, <https://www.oregon.gov/boli/employers/Pages/minimum-wage-and-overtime-in-agriculture.aspx#:~:text=Yes.,48%20hours%20in%20one%20workweek> specifically refer to “agricultural workers,” as defined above, while clarifying that that category “generally does not include forest products and the harvesting of timber, but workers engaged in the planting, pruning, and harvesting of Christmas trees are considered agricultural employees.”

The new heat relief rules, effective June 15, 2022, apply to all work activities, whether in indoor or outdoor environments, where the heat index equals or exceeds 90 degrees Fahrenheit. It is not specific to agriculture.

If you are interested in reading more background, you can read the [state's 2000 study report about Farmworkers](#). It mentions child labor on pages 11-12, and raises the complexity of child labor laws related to agriculture.

Therefore, we recommend changing “Farmworker” to “Agricultural Worker” in all appropriate locations.