



NYIC 2016 State Policy & Budget Priorities **Protection of Farmworkers' Labor Rights**

Recommendation

Extend to farmworkers basic rights available to other New York workers.

- **Pass the New York State Farmworker Fair Labor Practices Act (FFLPA).** The Governor and State Legislature should pass the New York State Farmworker Fair Labor Practices Act bills S1291-2015 and A4762-2015 to give farmworkers the same rights as other workers.
- **Extend Overtime Pay to Farmworkers.** The Governor should issue an executive order that extends the right to overtime pay to farmworkers in New York State.

History

- **Over the past 17 years**, New York lawmakers have repeatedly introduced legislation to provide farm workers equal labor rights.
- **2007-2008:** Version of FFLPA is re-introduced, but does not come to a vote.
- **2009-2010:** Version of FFLPA is re-introduced. In 2009, the bill is passed by the Assembly. In 2010, the bill fails to pass the Senate Agriculture Committee.
- **2011-2012:** Version of FFLPA is re-introduced, but does not come to a vote.
- **2013-2014:** Version of FFLPA is re-introduced. In 2013, the bill is passed by the Assembly. The bill is referred to the Senate Finance Committee, but does not come for a vote.
- **2015-2016:** Version of FFLPA is re-introduced. The bill is referred to the Assembly Labor Committee and the Senate Labor Committee.

Community Need and Background

California, Maryland, Minnesota, Hawaii and Puerto Rico have passed laws protecting the rights of farmworkers. In New York, there are an estimated **80,000 farmworkers in New York who work on about 35,000 farms. Latinos comprise 78 percent of all farmworkers and 99 percent of farmworkers are foreign-born.** New York's farmworkers work long hours, sometimes seven days a week, with **no overtime pay, no right to a day of rest and no right to collective bargaining.** In addition, farm workers often live in poor living conditions and are at risk of pesticide exposure and poisoning. While consumers have begun to demand healthier products and more humane treatment for farm animals, similar values and ethics have not extended to farm workers.

Passing the Farmworker Fair Labor Practices Act will extend basic protections to farmworkers and protect one of New York's most vulnerable immigrant communities.

Opportunity and Talking Points

With record growth of New York State farms and especially the dairy industry, now is the time to guarantee agricultural stability by strengthening the workforce. In his 2016 State of the State address, Governor Cuomo announced that growth of agricultural sales in New York outpaced the national average.

- **A strong workforce is tantamount to a strong agricultural industry**, and the New York State Farmworker Fair Labor Practices Act is essential in ensuring that this happens.
- **Codifying basic protections and rights for farmworkers will level the playing field for farms have been treating their workers fairly** to the competitive disadvantage to bad actors in New York's agricultural industry.

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