

# Differences in Farm Labor Protections on the National and State Levels: Impact on Farmers and Farm Labor in New York.

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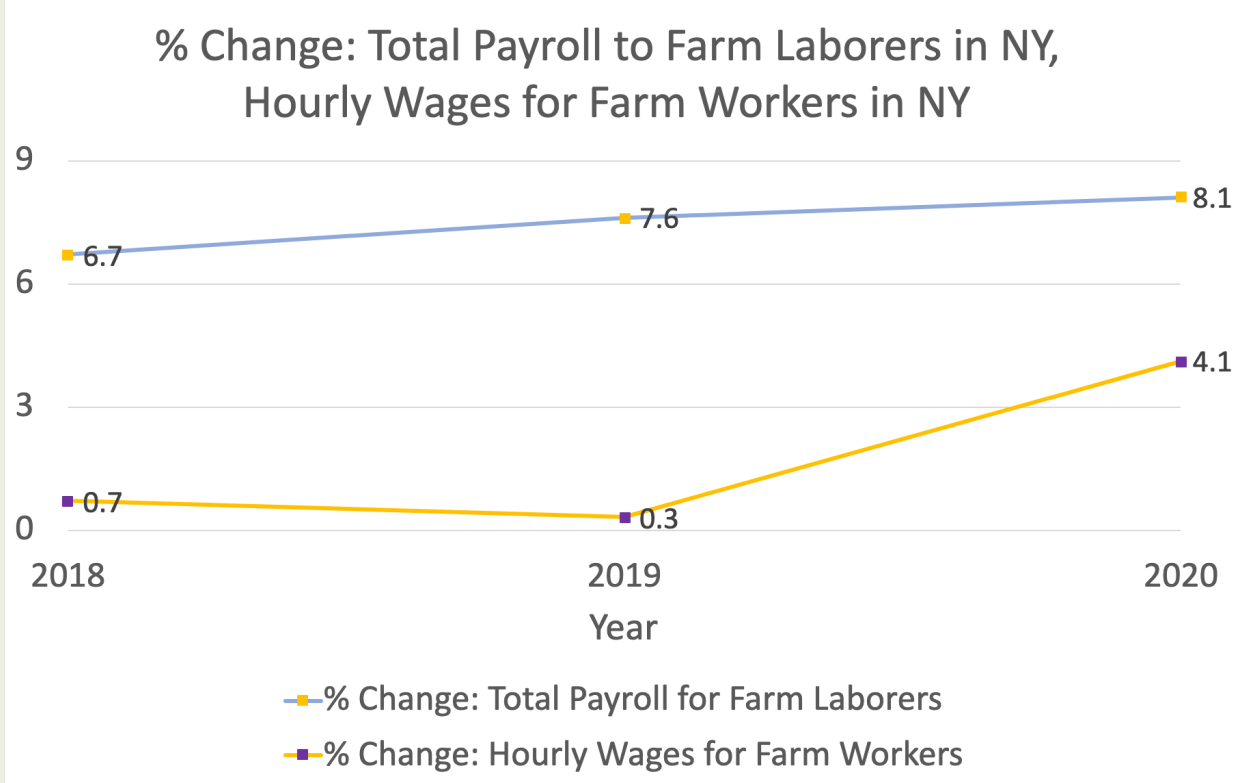
## Introduction

### Context

On January 1, 2020, the Farm Laborers Fair Labor Practice Act (FLFLPA) took effect in New York State, which ensures equitable housing and working conditions for farm laborers and protects worker rights.

This act grants farm workers:

- Overtime pay
- Minimum one day of rest per week
- Disability coverage
- Paid family leave coverage
- Unemployment benefits
- Workers' compensation
- The right to unionize

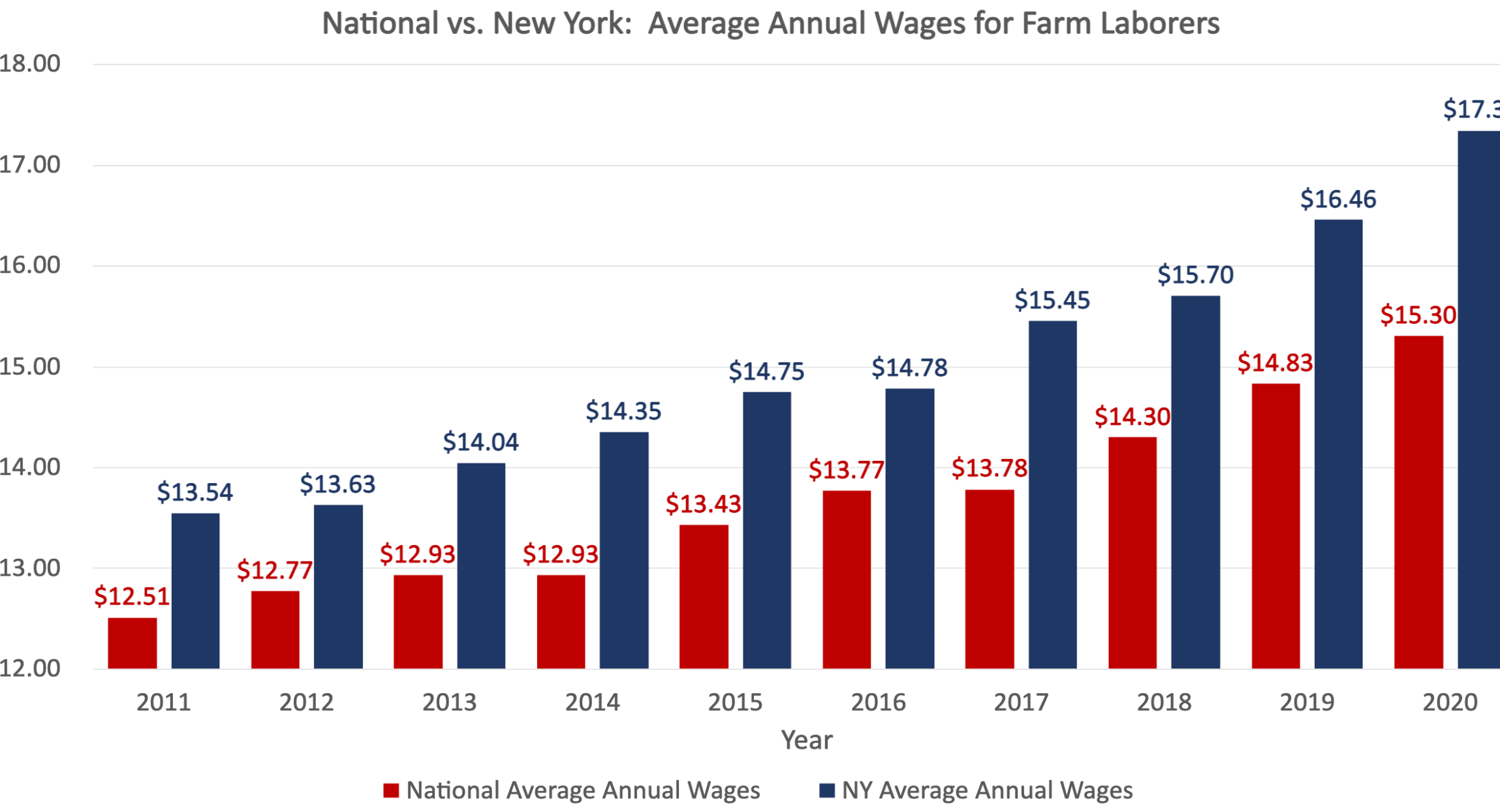


Source: PRO Dairy Education & Applied Research Hired Labor on New York State Dairy Farms Cost, Efficiency & Change from 2011 Through 2020 (2021)

Minimum Wage for States in Agricultural Competition with New York  
**New York: \$14.20**

Wisconsin: \$7.25  
Idaho: \$7.25  
Texas: \$7.25

Some of New York's biggest competitors are held to the national minimum wage of \$7.25. The demands of new labor laws on local farm owners has put NY farmers at an economic disadvantage compared to their competition in other states.



Sources: PRO Dairy Education & Applied Research Hired Labor on New York State Dairy Farms Cost, Efficiency & Change from 2011 Through 2020 (2021)  
National Agricultural Statistics Service Farm Production Expenditures: 2021 Summary (2022)

## Research Question

New York farm labor protections are stronger than national level farm labor protections and those in many states in agricultural competition with New York. How do these differences in farm labor protections impact farmers and farm labor in New York?

## Goals

The goals of this study are to...

- Highlight discrepancies between national farm labor laws and New York farm labor laws and demonstrate how these lead to tensions between farm owners and farm laborers
- Propose solutions that address these discrepancies and advances the goals of both farm owners and farm workers in New York

## Methods

### Interviews

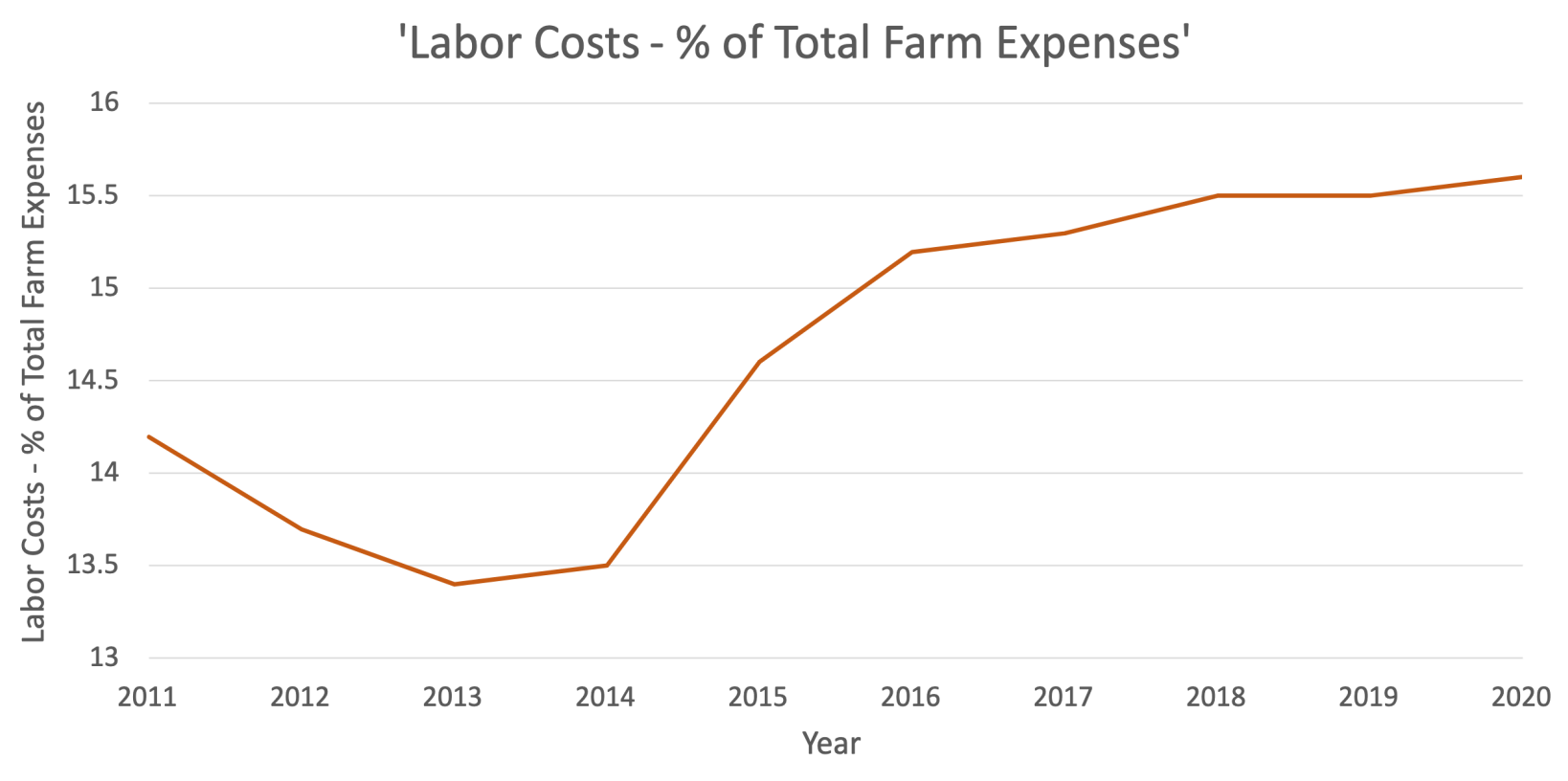
- Key informant interviews

### Content Analysis

- Public facing sources (websites, databases, webinars, etc.)
- Literature review

### Policy Analysis

- Farm Laborers Fair Labor Practice Act
- Migrant and Seasonal Agricultural Worker Protection Act of 1983
- Fair Labor Standards Act in Agriculture



Source: PRO Dairy Education & Applied Research Hired Labor on New York State Dairy Farms Cost, Efficiency & Change from 2011 Through 2020 (2021)

## Findings

### Tensions arising as a result of farmworker protection policies in NY

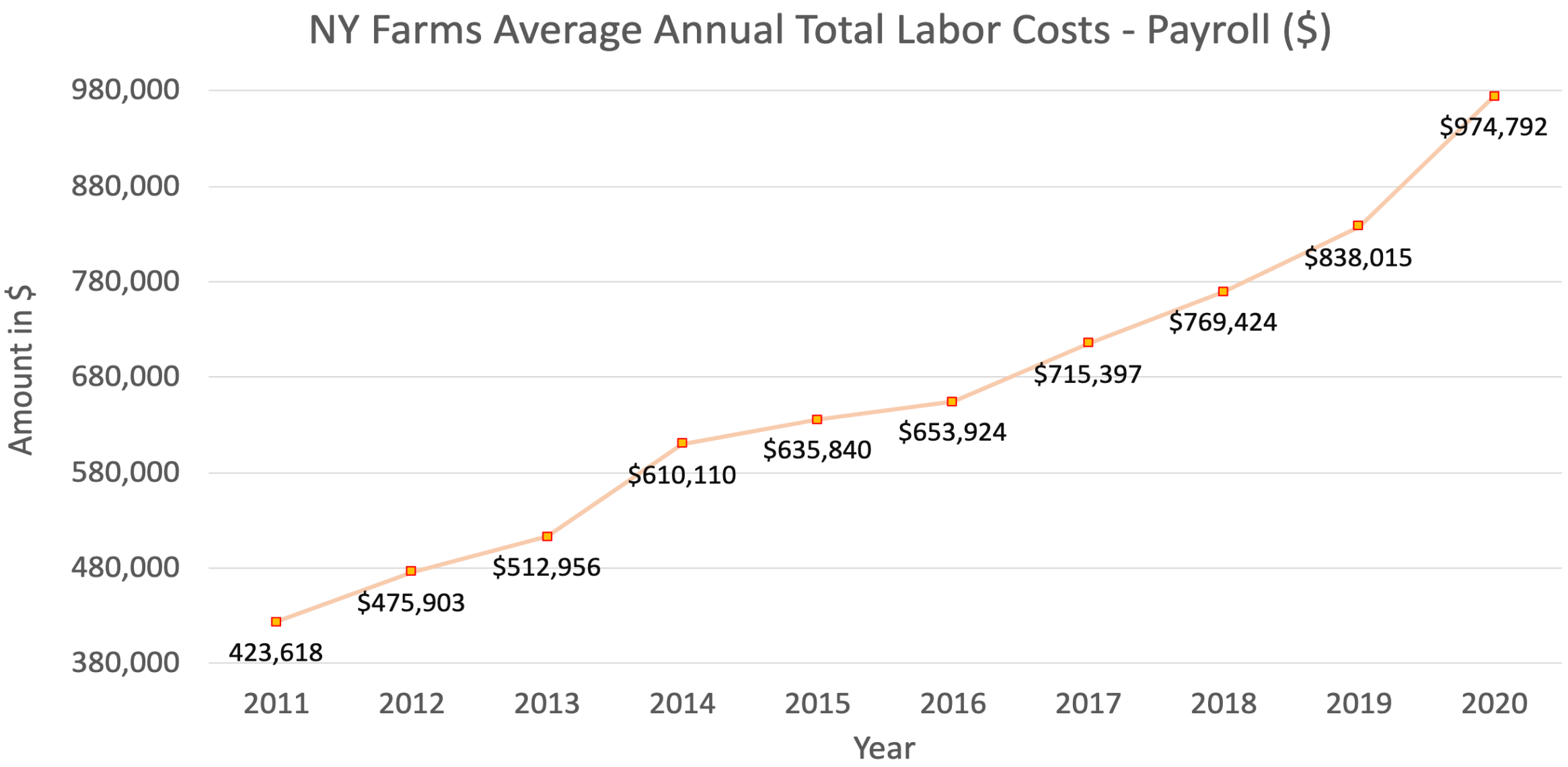
- Better working conditions for farm workers at the expense of the farm owner
- A lack of assistance from state government following the enactment of the FLFLPA
- Institution of day of rest and overtime significant impact on both farm owners and laborers
- Discrepancies between national standards of agricultural labor and those in NYS
- Poorer conditions and less rights allocated to farm workers in other states in contrast with NY farm workers



Source: New York Farm Bureau (2023)

## Discussion

### How do we mitigate the tension between the financial needs of farm workers and farm owners to ensure each are adequately compensated?



Source: PRO Dairy Education & Applied Research Hired Labor on New York State Dairy Farms Cost, Efficiency & Change from 2011 Through 2020 (2021)

### What does the future hold?

Overtime threshold for farm laborers is currently at 60 hours/week and will decline 4 hours every 2 years until January of 2032 when it reaches 40 hours.

### Minimum Wage

National: \$7.25 (unchanged from 2009)

- 30 states

NYS (by region): currently \$14.20 and will continue to rise until \$15.00

## Conclusion

### Factors of Consideration

- Impact of COVID-19 on farm owners and farm workers.
- Expectations for a specific state's government limits/pushes for change
- The role of fear
- Impact per industry
- Impact for small farms vs. larger farms
- National scale change required to level the playing field



Source: CNN

Without national level support, it is significantly more difficult to improve the situation of both farm owners and farm laborers.

### My Solution

I argue for the following changes to occur on a national level

- Significant increase in federal minimum wage for farmworkers
- The following rights for all farm workers regardless of citizenships: overtime pay, minimum one day of rest per week, disability and paid family leave coverage, unemployment benefits, workers' compensation, and the right to unionize.
- Subsidies for small farmers to help offset increased labor costs

### Future Research

- If NYS continues to lead policy change to codify farmworker protections, how do we proceed while keeping the needs of both farm owners and farm workers in mind?

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