

Farm Worker Rights: Working Conditions



For further information:

Montana Legal Services Association
1-800-666-6899; www.mtlsa.org;
www.montanalawhelp.org.

Montana Department of Labor and
Industry, 406-444-6543;
<http://erd.dli.mt.gov>.



What information should I receive from my employer?

Your employer or labor contractor must give you a **written notice** when you are recruited which tells you:

1. Where you will work;
2. Your wage rate;
3. The work that you will do, including the crop that you will pick;
4. How long the job will last;
5. Whether housing, transportation, or other benefits are offered, and how much they will cost;
6. Whether your employer or crew leader will receive a commission or other benefit from selling you goods like food, clothing or tools;
7. Whether you are going to be working where there is a strike or work stoppage.

If you are recruited to do seasonal agricultural work away from your home your employer or labor contractor must give you this notice. If you are a local agricultural worker (which means you live in the geographic area where you're working), you also have the right to receive this written notice, but **you must ask your employer for it**. Federal law requires that your employer provide this information in your native language (for example, Spanish).

The employer is not allowed to discriminate against workers who request this information. If you do not receive this information, ask for it. If you still do not get it, contact **Montana Legal Services Association**.

What are the laws about housing conditions?

You have the right to live in safe and decent housing that meets federal and state standards. This means that farm worker **housing or camps** must be inspected and certified before workers move in.

Inspection certificates should be posted where you can read them.

If you are housed in dirty, dangerous, or inadequate camps by an employer, call **Montana Legal Services**.



Farm workers have these and other legal rights regardless of immigration status, although some exceptions may apply to certain employers.

Questions?

Contact the Employment Relations Division of the MT Dept. of Labor and Industry at 406-444-6543.

Contact Montana Legal Services Association's HelpLine at 1-800-666-6899. Montana Legal Services Association provides free assistance to farm workers with employment-related problems.

What are the laws about field conditions?

You must be provided the following facilities in the field:

- Cool, clean drinking water with individual cups;
- Sanitary toilet facilities located near the workers and maintained in clean condition;
- Hand washing facilities with water, soap, and single-use hand towels.

You have the right to:

- Work in an **environment free from hazards** that can cause serious injuries. This includes not getting sprayed with or otherwise exposed to pesticides or other hazardous chemicals.
- To know which **pesticides** are being used for the job, the hazards of the pesticides, and how to protect yourself.

What other rights do I have?

You also have the right to:

- **Live free from harassment and discrimination** from police and other public officials, including unwarranted vehicle stops and searches. Public officials and private businesses, including employers, may not discriminate against you based on your race, color, gender, or national origin.
- **Not suffer from retaliation or discrimination** for exercising your right to complain.
- If you are transported to your job by the employer or by the person who recruited you, the vehicle used to transport you must be safe, insured, and it must meet federal and state government standards.
- To work without **sexual harassment** from your supervisors and fellow employees. This includes verbal or physical conduct of a sexual nature that creates a hostile work environment.

This handout is meant to give basic legal information, not legal advice about your problem. The law changes often and each situation is different. This handout may not apply to your problem. You should not rely on it only. Please talk to an attorney about your problem.