

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 207

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01/12/2023	168	Introduction and first reading Referred to Labor
01/19/2023	310	Author added Fateh
02/16/2023	872	Author added Murphy
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04/13/2023	4787a	Comm report: To pass as amended and re-refer to Finance Joint rule 2.03, referred to Rules and Administration Joint rule 3.02, returned to Judiciary and Public Safety See SF3035

1.1 A bill for an act

1.2 relating to labor; providing safe workplaces for meat and poultry processing

1.3 workers; requiring a report; appropriating money; amending Minnesota Statutes

1.4 2022, section 182.654, subdivision 11; proposing coding for new law in Minnesota

1.5 Statutes, chapter 179.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. 179.87] TITLE.

1.8 Sections 179.87 to 179.8757 may be titled the Safe Workplaces for Meat and Poultry

1.9 Processing Workers Act.

1.10 Sec. 2. 179.871] DEFINITIONS.

1.11 Subdivision 1. Definitions. For purposes of sections 179.87 to 179.8757, the terms in

1.12 this section have the meanings given.

1.13 Subd. 2. Authorized employee representative. "Authorized employee representative"

1.14 has the meaning given in section 182.651, subdivision 22.

1.15 Subd. 3. Commissioner. "Commissioner" means the commissioner of labor and industry

1.16 or the commissioner's designee.

1.17 Subd. 4. Coordinator. "Coordinator" means the meatpacking industry worker rights

1.18 coordinator or the coordinator's designee.

1.19 Subd. 5. Meat-processing worker. "Meat-processing worker" or "worker" means any

1.20 individual who a meat-processing employer suffers or permits to work directly in contact

1.21 with raw meatpacking products in a meatpacking operation, including independent contractors

1.22 and persons performing work for an employer through a temporary service or staffing

2.1 agency. Workers in a meatpacking operation who inspect or package meatpacking products
 2.2 and workers who clean, maintain, or sanitize equipment or surfaces are included in the
 2.3 definition of a meat-processing worker. Meat-processing worker does not include a federal,
 2.4 state, or local government inspector.

2.5 Subd. 6. **Meatpacking operation.** "Meatpacking operation" or "meat-processing
 2.6 employer" means a business with 50 or more meat-processing workers in which slaughtering,
 2.7 butchering, meat canning, meatpacking, meat manufacturing, poultry canning, poultry
 2.8 packing, poultry manufacturing, or processing of meatpacking products occurs. Meatpacking
 2.9 operation or meat-processing employer does not mean a grocery store, butcher shop, meat
 2.10 market, deli, restaurant, or other business preparing meat or poultry products for immediate
 2.11 consumption or for sale in a retail establishment or otherwise directly to an end-consumer.

2.12 Subd. 7. **Meatpacking products.** "Meatpacking products" means meat food products
 2.13 and poultry food products as defined in section 31A.02, subdivision 10.

2.14 **Sec. 3. [179.8715] WORKER RIGHTS COORDINATOR.**

2.15 (a) The commissioner must appoint a meatpacking industry worker rights coordinator
 2.16 in the Department of Labor and Industry and provide the coordinator with necessary office
 2.17 space, furniture, equipment, supplies, and assistance.

2.18 (b) The commissioner must enforce sections 179.87 to 179.8757, including inspecting,
 2.19 reviewing, and recommending improvements to the practices and procedures of meatpacking
 2.20 operations in Minnesota. A meat-processing employer must grant the commissioner full
 2.21 access to all meatpacking operations in this state at any time that meatpacking products are
 2.22 being processed or meat-processing workers are on the job.

2.23 (c) No later than December 1 each year, the coordinator must submit a report to the
 2.24 governor and the chairs and ranking minority members of the legislative committees with
 2.25 jurisdiction over labor. The report must include recommendations to promote better treatment
 2.26 of meat-processing workers. The coordinator shall also post the report on the Department
 2.27 of Labor and Industry's website.

2.28 **Sec. 4. [179.872] REFUSAL TO WORK UNDER DANGEROUS CONDITIONS.**

2.29 A meat-processing worker has a right to refuse to work under dangerous conditions in
 2.30 accordance with section 182.654, subdivision 11. Pursuant to that provision, the worker
 2.31 shall continue to receive pay and shall not be subject to discrimination.

3.1 Sec. 5. [179.875] ENFORCEMENT AND COMPLIANCE.

3.2 Subdivision 1. **Administrative enforcement.** The commissioner, either on the
3.3 commissioner's initiative or in response to a complaint, may inspect a meatpacking operation
3.4 and subpoena records and witnesses as provided in sections 175.20 and 182.659. If a
3.5 meat-processing employer does not comply with the commissioner's inspection, the
3.6 commissioner may seek relief as provided in this section or chapter 175 or 182.

3.7 Subd. 2. **Compliance authority.** The commissioner of labor and industry may issue a
3.8 compliance order under section 177.27, subdivision 4, requiring an employer to comply
3.9 with sections 179.87 to 179.8757. The commissioner also has authority, pursuant to section
3.10 182.662, subdivision 1, to issue a stop work or business closure order when there is a
3.11 condition or practice that could result in death or serious physical harm.

3.12 Subd. 3. **Private civil action.** If a meat-processing employer does not comply with a
3.13 provision in sections 179.87 to 179.8757, an aggrieved worker, authorized employee
3.14 representative, or other person may bring a civil action in a court of competent jurisdiction
3.15 within three years of an alleged violation and, upon prevailing, must be awarded the relief
3.16 provided in this section. Pursuing administrative relief is not a prerequisite for bringing a
3.17 civil action.

3.18 Subd. 4. **Other government enforcement.** The attorney general may enforce sections
3.19 179.87 to 179.8757 under section 8.31. A city or county attorney may also enforce these
3.20 sections. Such law enforcement agencies may inspect meatpacking operations and subpoena
3.21 records and witnesses and, where such agencies determine that a violation has occurred,
3.22 may bring a civil action as provided in this section.

3.23 Subd. 5. **Relief.** (a) In a civil action or administrative proceeding brought to enforce
3.24 sections 179.87 to 179.8757, the court or commissioner must order relief as provided in this
3.25 subdivision.

3.26 (b) For any violation of sections 179.87 to 179.8757:

3.27 (1) an injunction to order compliance and restrain continued violations;

3.28 (2) payment to a prevailing worker by a meat-processing employer of reasonable costs,
3.29 disbursements, and attorney fees; and

3.30 (3) a civil penalty payable to the state of not less than \$100 per day per worker affected
3.31 by the meat-processing employer's noncompliance with sections 179.87 to 179.8757.

3.32 Subd. 6. **Whistleblower enforcement; penalty distribution.** (a) The relief provided in
3.33 this section may be recovered through a private civil action brought on behalf of the

4.1 commissioner in a court of competent jurisdiction by another individual, including an
4.2 authorized employee representative, pursuant to this subdivision.

4.3 (b) The individual must give written notice to the coordinator of the specific provision
4.4 or provisions of sections 179.87 to 179.8757 alleged to have been violated. The individual
4.5 or representative organization may commence a civil action under this subdivision if no
4.6 enforcement action is taken by the commissioner within 30 days.

4.7 (c) Civil penalties recovered pursuant to this subdivision must be distributed as follows:

4.8 (1) 70 percent to the commissioner for enforcement of sections 179.87 to 179.8757; and

4.9 (2) 30 percent to the individual or authorized employee representative.

4.10 (d) The right to bring an action under this subdivision shall not be impaired by private
4.11 contract. A public enforcement action must be tried promptly, without regard to concurrent
4.12 adjudication of a private claim for the same alleged violation.

4.13 **Sec. 6. [179.8755] RETALIATION AGAINST EMPLOYEES AND**
4.14 **WHISTLEBLOWERS PROHIBITED.**

4.15 (a) Pursuant to section 182.669, no meat-processing employer or other person may
4.16 discharge or discriminate against a worker because the employee has raised a concern about
4.17 a meatpacking operation's health and safety practices to the employer or otherwise exercised
4.18 any right authorized under sections 182.65 to 182.674.

4.19 (b) No meat-processing employer or other person may attempt to require any worker to
4.20 sign a contract or other agreement that would limit or prevent the worker from disclosing
4.21 information about workplace health and safety practices or hazards, or to otherwise abide
4.22 by a workplace policy that would limit or prevent such disclosures. Any such agreements
4.23 or policies are hereby void and unenforceable as contrary to the public policy of this state.
4.24 An employer's attempt to impose such a contract, agreement, or policy shall constitute an
4.25 adverse action enforceable under sections 179.87 to 179.8757.

4.26 (c) Reporting or threatening to report a meat-processing worker's suspected citizenship
4.27 or immigration status, or the suspected citizenship or immigration status of a family member
4.28 of the worker, to a federal, state, or local agency because the worker exercises a right under
4.29 sections 179.87 to 179.8757 constitutes an adverse action for purposes of establishing a
4.30 violation of that worker's rights. For purposes of this paragraph, "family member" means a
4.31 spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild
4.32 related by blood, adoption, marriage, or domestic partnership.

5.1 (d) Any worker who brings a complaint under sections 179.87 to 179.8757 and suffers
5.2 retaliation is entitled to treble damages in addition to lost pay and recovery of attorney fees
5.3 and costs.

5.4 (e) Any company who is found to have retaliated against a meat-processing worker must
5.5 pay a fine of up to \$10,000 to the commissioner, in addition to other penalties available
5.6 under the law.

5.7 **Sec. 7. [179.8756] MEATPACKING WORKER CHRONIC INJURIES AND**
5.8 **WORKPLACE SAFETY.**

5.9 Subdivision 1. **Safe worker program required; facility committee.** (a) Meat-processing
5.10 employers must adopt a safe worker program as part of the employer's work accident and
5.11 injury reduction program to minimize and prevent musculoskeletal disorders. For purposes
5.12 of this section, "musculoskeletal disorders" includes carpal tunnel syndrome, tendinitis,
5.13 rotator cuff injuries, trigger finger, epicondylitis, muscle strains, and lower back injuries.

5.14 (b) The meat-processing employer's safe worker program must be developed and
5.15 implemented by a committee of individuals who are knowledgeable of the tasks and work
5.16 processes performed by workers at the employer's facility. The committee must include:

5.17 (1) a certified professional ergonomist;

5.18 (2) a licensed, board-certified physician, with preference given to a physician who has
5.19 specialized experience and training in occupational medicine; and

5.20 (3) at least three workers employed in the employer's facility who have completed a
5.21 general industry outreach course approved by the commissioner, one of whom must be an
5.22 authorized employee representative if the employer is party to a collective bargaining
5.23 agreement.

5.24 (c) If it is not practicable for a certified professional ergonomist or a licensed,
5.25 board-certified physician to be a member of the committee required by paragraph (b), the
5.26 meatpacking employer must have their safe worker program reviewed by a certified
5.27 professional ergonomist and a licensed, board-certified physician prior to implementation
5.28 of the program and annually thereafter.

5.29 (d) The meatpacking employer must solicit feedback for its safe worker program through
5.30 its safety committee required by section 182.676, in addition to any other opportunities for
5.31 employee participation the employer may provide. The safety committee must be directly
5.32 involved in ergonomics worksite assessments and participate in the annual evaluation of
5.33 the program.

6.1 Subd. 2. **Program elements.** (a) The committee must establish written procedures to
6.2 identify ergonomic hazards and contributing risk factors, which must include:

6.3 (1) the ergonomic assessment tools used to measure ergonomic hazards;

6.4 (2) all jobs where the committee has an indication or knowledge that ergonomic hazards
6.5 may exist; and

6.6 (3) workers who perform the same job or a sample of workers in that job who have the
6.7 greatest exposure to the ergonomic hazard.

6.8 (b) The committee must conduct ergonomic assessments to identify hazards and
6.9 contributing risk factors; review all surveillance data at least quarterly to identify ergonomic
6.10 hazards and contributing risk factors; and maintain records of the hazard identification
6.11 process, which, at a minimum, must include the completed ergonomic assessment tools,
6.12 the results of the ergonomic assessments including the jobs and workers evaluated, and the
6.13 assessment dates.

6.14 (c) The committee must implement a written ergonomic hazard prevention and control
6.15 plan to identify and select methods to eliminate, prevent, or control the ergonomic hazards
6.16 and contributing risk factors. The plan must:

6.17 (1) set goals, priorities, and a timeline to eliminate, prevent, or control the ergonomic
6.18 hazards and contributing risk factors identified;

6.19 (2) identify the person or persons responsible for ergonomic hazard assessments and
6.20 implementation of controls;

6.21 (3) rely upon the surveillance data and the ergonomic risk assessment results; and

6.22 (4) take into consideration the severity of the risk, the numbers of workers at risk, and
6.23 the likelihood that the intervention will reduce the risk.

6.24 (d) A meat-processing employer must control, reduce, or eliminate ergonomic hazards
6.25 which lead to musculoskeletal disorders to the extent feasible by using engineering, work
6.26 practice, and administrative controls.

6.27 (e) The committee must monitor at least annually the implementation of the plan including
6.28 the effectiveness of controls and evaluate progress in meeting program goals.

6.29 Subd. 3. **New employee training.** (a) A meat-processing employer must work with the
6.30 committee to provide each new employee with information regarding:

6.31 (1) the committee and its members;

7.1 (2) the facility's workplace accident and injury reduction program under section 182.653,
7.2 subdivision 8, as well as any other hazard prevention and control plan the facility may have;

7.3 (3) early signs and symptoms of musculoskeletal injuries and the procedures for reporting
7.4 them;

7.5 (4) procedures for reporting other injuries and hazards;

7.6 (5) engineering and administrative hazard controls implemented in the workplace,
7.7 including ergonomic hazard controls; and

7.8 (6) how to use personal protective equipment, and where it is located.

7.9 (b) A meat-processing employer must work with the committee and ensure that new
7.10 workers receive safety training prior to starting a job that the worker has not performed
7.11 before. The employer must provide the safety training during working hours and compensate
7.12 the new employee at the employee's standard rate of pay. The employer also must give a
7.13 new employee an opportunity within 30 days of the employee's hire date to receive a refresher
7.14 training on the topics covered in the new worker safety training. The employer must provide
7.15 new employee training in a language and with vocabulary that the employee can understand.

7.16 Subd. 4. **New task and annual safety training.** (a) Meat-processing employers must
7.17 provide every worker who is assigned a new task if the worker has no previous work
7.18 experience with training on how to safely perform the task, the ergonomic and other hazards
7.19 associated with the task, and training on the early signs and symptoms of musculoskeletal
7.20 injuries and the procedures for reporting them. The employer must give a worker an
7.21 opportunity within 30 days of receiving the new task training to receive refresher training
7.22 on the topics covered in the new task training. The employer must provide this training in
7.23 a language and with vocabulary that the employee can understand.

7.24 (b) Meat-processing employers must provide each worker with no less than eight hours
7.25 of safety training each year. This annual training must address health and safety topics that
7.26 are relevant to the establishment and the worker's job assignment, such as cuts, lacerations,
7.27 amputations, machine guarding, biological hazards, lockout/tagout, hazard communication,
7.28 ergonomic hazards, and personal protective equipment. At least two of the eight hours of
7.29 annual training must be on topics related to the facility's ergonomic injury prevention
7.30 program, including the assessment of surveillance data, the ergonomic hazard prevention
7.31 and control plan, and the early signs and symptoms of musculoskeletal disorders and the
7.32 procedures for reporting them. The employer must provide this training in a language and
7.33 with vocabulary that the employee can understand.

8.1 Subd. 5. **Attestation and record keeping.** Meat-processing employers must maintain
8.2 a written attestation dated and signed by each person who provides training and each
8.3 employee who receives training pursuant to this section. The attestation completed by the
8.4 training provider must certify that the employer has provided training consistent with the
8.5 requirements of this section. The employer must ensure that these records are up to date
8.6 and available to the commissioner, the coordinator, and the authorized employee
8.7 representative upon request.

8.8 Subd. 6. **Medical services and qualifications.** (a) Meat-processing employers must
8.9 ensure that:

8.10 (1) all first-aid providers, medical assistants, nurses, and physicians engaged by the
8.11 employer are licensed and perform their duties within the scope of their licensed practice;

8.12 (2) medical management of musculoskeletal disorders is under direct supervision of a
8.13 licensed physician specializing in occupational medicine who will advise on best practices
8.14 for management and prevention of work-related musculoskeletal disorders; and

8.15 (3) medical management of musculoskeletal injuries follows the most current version
8.16 of the American College of Occupational and Environmental Medicine practice guidelines.

8.17 (b) Meat-processing employers must make a record of all worker visits to medical or
8.18 first aid personnel, regardless of severity or type of illness or injury, and make a redacted
8.19 version of these records available to the coordinator and the authorized employee
8.20 representative. The name, contact information, and occupation of an employee, and any
8.21 other information that would reveal the identity of an employee, must be removed in the
8.22 redacted version. The redacted version must only include, to the extent it would not reveal
8.23 identity of an employee, the location where the employee worked, the date of the injury or
8.24 visit, a description of the medical treatment or first aid provided, and a description of the
8.25 injury suffered. The employer must make an unredacted version of the records available to
8.26 the commissioner and the authorized employee representative upon their request.

8.27 (c) Meat-processing employers must maintain records of all ergonomic injuries suffered
8.28 by workers for at least five years.

8.29 (d) The coordinator may compile, analyze, and publish annually, either in summary or
8.30 detailed form, all reports or information obtained under sections 179.87 to 179.8757,
8.31 including information about safe worker programs, and may cooperate with the United
8.32 States Department of Labor in obtaining national summaries of occupational deaths, injuries,
8.33 and illnesses. The coordinator and authorized employee representative must preserve the
8.34 anonymity of each employee with respect to whom medical reports or information is obtained.

9.1 (e) Meat-processing employers must not institute or maintain any program, policy, or
9.2 practice that discourages employees from reporting injuries, hazards, or safety standard
9.3 violations, unless the employee authorizes his or her information be shared.

9.4 Subd. 7. **Pandemic protections.** (a) This subdivision applies during a public health
9.5 emergency that involves airborne transmission.

9.6 (b) Meat-processing employers must maintain a radius of space around and between
9.7 each worker according to the Centers for Disease Control and Prevention guidelines unless
9.8 a nonporous barrier separates the workers. An employer may accomplish such distancing
9.9 by increasing physical space between workstations, slowing production speeds, staggering
9.10 shifts and breaks, adjusting shift size, or a combination thereof. The employer must
9.11 reconfigure common or congregate spaces to allow for such distancing, including lunch
9.12 rooms, break rooms, and locker rooms. The employer must reinforce social distancing by
9.13 allowing workers to maintain six feet of distance along with the use of nonporous barriers.

9.14 (c) Meat-processing employers must provide employees with face masks and must make
9.15 face shields available on request. Face masks, including replacement face masks, and face
9.16 shields must be provided at no cost to the employee. All persons present at the meatpacking
9.17 operation must wear face masks in the facility except in those parts of the facility where
9.18 infection risk is low because workers work in isolation.

9.19 (d) Meat-processing employers must provide all meat-processing workers with the ability
9.20 to frequently and routinely sanitize their hands with either hand-washing or hand-sanitizing
9.21 stations. The employer must ensure that restrooms have running hot and cold water and
9.22 paper towels and are in sanitary condition. The employer must provide gloves to those who
9.23 request them.

9.24 (e) Meat-processing employers must clean and regularly disinfect all frequently touched
9.25 surfaces in the workplace, such as workstations, training rooms, machinery controls, tools,
9.26 protective garments, eating surfaces, bathrooms, showers, and other similar areas. Employers
9.27 must install and maintain ventilation systems that ensure unidirectional air flow, outdoor
9.28 air, and filtration in both production areas and common areas such as cafeterias and locker
9.29 rooms.

9.30 (f) Meat-processing employers must disseminate all required communications, notices,
9.31 and any published materials regarding these protections in English, Spanish, and other
9.32 languages as required for employees to understand the communication.

9.33 (g) Meat-processing employers must provide adequate break time for workers to use
9.34 the bathroom, wash their hands, and don and doff protective equipment.

10.1 (h) Meat-processing employers must provide sufficient personal protective equipment
10.2 for each employee for each shift, plus replacements, at no cost to the employee.

10.3 Meat-processing employers must provide training in proper use of personal protective
10.4 equipment, safety procedures, and sanitation.

10.5 (i) Meat-processing employers must record all injuries and illnesses in the facility and
10.6 make these records available upon request to the health and safety committee. The name,
10.7 contact information, and occupation of an employee, and any other information that would
10.8 reveal the identity of an employee, must be removed. The redacted records must only include,
10.9 to the extent it would not reveal identity of an employee, the location where the employee
10.10 worked, the date of the injury or visit, a description of the medical treatment or first aid
10.11 provided, and a description of the injury suffered. The employer also must make its records
10.12 available to the commissioner, and where there is a collective bargaining agreement, to the
10.13 authorized bargaining representative.

10.14 (j) Meat-processing employers must provide paid sick time for workers to recuperate
10.15 from illness or injury or to care for ill family members. For purposes of this paragraph,
10.16 "family member" includes:

10.17 (1) biological, adopted, or foster children, stepchildren, children of domestic partners
10.18 or spouses, and legal wards of workers;

10.19 (2) biological parents, stepparents, foster parents, adoptive parents, or legal guardians
10.20 of a worker or a worker's spouse or domestic partner;

10.21 (3) a worker's legally married spouse or domestic partner as registered under the laws
10.22 of any state or political subdivision;

10.23 (4) a worker's grandparent, whether from a biological, step-, foster, or adoptive
10.24 relationship;

10.25 (5) a worker's grandchild, whether from a biological, step-, foster, or adoptive
10.26 relationship;

10.27 (6) a worker's sibling, whether from a biological, step-, foster, or adoptive relationship;
10.28 and

10.29 (7) any other individual related by blood or affinity to the worker whose association
10.30 with the worker is the equal of a family relationship.

10.31 (k) All meat-processing workers must accrue at least one hour of paid sick time for every
10.32 30 hours worked. For purposes of this paragraph, paid sick time means time that is

11.1 compensated at the same hourly rate, including the same benefits, as is normally earned by
11.2 the worker.

11.3 (l) Meat-processing employers may provide all paid sick time a worker is expected to
11.4 accrue at the beginning of the year or at the start of the worker's employment.

11.5 (m) Meat-processing employers must carry an employee's earned paid sick time over
11.6 into the following calendar year. If a worker does not wish to carry over sick time, the
11.7 meat-processing employer must pay the worker for accrued sick time. If a worker chooses
11.8 to receive pay in lieu of carried-over sick time, the employer must provide the worker with
11.9 an amount of paid sick time that meets or exceeds the requirements of sections 179.87 to
11.10 179.8757, to be available for the worker's immediate use at the start of the following calendar
11.11 year.

11.12 (n) Meat-processing employers must maintain records for at least three years showing
11.13 hours worked and paid sick time accrued and used by workers. Employers must allow the
11.14 commissioner and coordinator access to these records in order to ensure compliance with
11.15 the requirements of sections 179.87 to 179.8757.

11.16 (o) If a meat-processing employer transfers a worker to another division or location of
11.17 the same meat-processing employer, the worker is entitled to all earned paid sick time
11.18 accrued in the worker's previous position. If a worker is separated from employment and
11.19 rehired within one year by the same meat-processing employer, the meat-processing employer
11.20 must reinstate the worker's earned sick time to the level accrued by the worker as of the
11.21 date of separation.

11.22 (p) If a meat-processing employer is succeeded by a different employer, all workers of
11.23 the original employer are entitled to all earned paid sick time they accrued when employed
11.24 by the original employer.

11.25 (q) Meat-processing employers must not require workers to find or search for a
11.26 replacement worker to take the place of the worker as a condition of the worker using paid
11.27 sick time.

11.28 (r) Meat-processing employers must not require workers to disclose details of private
11.29 matters as a condition of using paid sick time, including details of a worker or family
11.30 member's illness, domestic violence, sexual abuse or assault, or stalking and harassment.
11.31 If the employer does possess such information, it must be treated as confidential and not
11.32 disclosed without the express permission of the worker.

12.1 (s) Meat-processing employers must provide workers written notice of their rights and
12.2 the employer's requirements under this section at the time the worker begins employment.
12.3 This notice must be provided in English, Spanish, or the employee's language of fluency.
12.4 The amount of paid sick time a worker has accrued, the amount of paid sick time a worker
12.5 has used during the current year, and the amount of pay the worker has received as paid
12.6 sick time must be recorded on or attached to the worker's paycheck. Meat-processing
12.7 employers must display a poster in a conspicuous location in each facility where workers
12.8 are employed that displays the information required under this paragraph. The poster must
12.9 be displayed in English and any language of fluency that is read or spoken by at least five
12.10 percent of the employer's workers.

12.11 (t) Nothing in this subdivision shall be construed to:

12.12 (1) prohibit or discourage an employer from adopting or retaining a paid sick time policy
12.13 that is more generous than the one provided in this subdivision;

12.14 (2) diminish the obligation of an employer to comply with a collective bargaining
12.15 agreement, or any other contract that provides more generous paid sick time to a worker
12.16 than provided for in this subdivision; or

12.17 (3) override any provision of local law that provides greater rights for paid sick time
12.18 than is provided for in this subdivision.

12.19 **Sec. 8. [179.8757] NOTIFICATION REQUIRED.**

12.20 (a) Meat-processing employers must provide written information and notifications about
12.21 employee rights under section 179.86 and sections 179.87 to 179.8757 to workers in their
12.22 language of fluency at least annually. If a worker is unable to understand written information
12.23 and notifications, the employer must provide such information and notices orally in the
12.24 worker's language of fluency.

12.25 (b) The coordinator must notify covered employers of the provisions of sections 179.87
12.26 to 179.8757 and any recent updates at least annually.

12.27 (c) The coordinator must place information explaining sections 179.87 to 179.8757 on
12.28 the Department of Labor and Industry's website in at least English, Spanish, and any other
12.29 language that at least ten percent of meat-processing workers communicate in fluently. The
12.30 coordinator must also make the information accessible to persons with impaired visual
12.31 acuity.

13.1 Sec. 9. Minnesota Statutes 2022, section 182.654, subdivision 11, is amended to read:

13.2 Subd. 11. **Refusal to work under dangerous conditions.** An employee acting in good
13.3 faith has the right to refuse to work under conditions which the employee reasonably believes
13.4 present an imminent danger of death or serious physical harm to the employee.

13.5 A reasonable belief of imminent danger of death or serious physical harm includes but
13.6 is not limited to a reasonable belief of the employee that the employee has been assigned
13.7 to work in an unsafe or unhealthful manner with a hazardous substance, harmful physical
13.8 agent or infectious agent.

13.9 An employer may not discriminate against an employee for a good faith refusal to
13.10 perform assigned tasks if the employee has requested that the employer correct the hazardous
13.11 conditions but the conditions remain uncorrected.

13.12 An employee who has refused in good faith to perform assigned tasks and who has not
13.13 been reassigned to other tasks by the employer shall, in addition to retaining a right to
13.14 continued employment, receive pay for the tasks which would have been performed if (1)
13.15 the employee requests the commissioner to inspect and determine the nature of the hazardous
13.16 condition, and (2) the commissioner determines that the employee, by performing the
13.17 assigned tasks, would have been placed in imminent danger of death or serious physical
13.18 harm.

13.19 Additionally, the commissioner may order:

13.20 (1) reinstatement of the worker to the same position held before any adverse personnel
13.21 action or to an equivalent position, reinstatement of full fringe benefits and seniority rights,
13.22 and compensation for unpaid wages, benefits and other remuneration, or front pay in lieu
13.23 of reinstatement; and

13.24 (2) compensatory damages payable to the aggrieved worker equal to the greater of \$5,000
13.25 or twice the actual damages, including unpaid wages, benefits and other remuneration, and
13.26 punitive damages.

13.27 An employer has the right to contest the commissioner's order within 20 days. If not
13.28 resolved, the commissioner shall refer the matter for a contested case proceeding under
13.29 Minnesota Rules, chapter 5210.

13.30 Sec. 10. **APPROPRIATIONS.**

13.31 \$360,000 in fiscal year 2024 and \$169,000 in fiscal year 2025 are appropriated from the
13.32 general fund to the commissioner of labor and industry for purposes of this act.