



Legal Services Advocacy Project  
970 Raymond Avenue, Suite G-40  
St. Paul, MN 55114

January 23, 2023

The Honorable Mary K. Kunesh  
Assistant Majority Leader  
Minnesota Senate  
3209 Minnesota Senate Building  
St. Paul, MN 55155

Re: SF 61 - Fair Labor Standards for Agricultural and Food Processing Workers

Dear Assistant Majority Leader Kunesh:

Legal Aid writes to express its support for SF 61. The changes proposed in your bill will have a significant impact on and provide substantial benefits for agricultural workers in Minnesota.

In particular, the proposed amended definition of “employer” under Minn. Stat. § 181.85 (at Lines 5.24 to 5.28 of the bill as introduced) will protect more seasonal agricultural workers. Additionally, the expansion of the definition of “agricultural labor” under the same section (at Lines 5.19 to 5.23) will be more inclusive and protect more agricultural workers in Minnesota from potential abusive practices.

For many years, Legal Aid staff attorneys who represent agricultural workers have heard concerns from workers who do not receive – and are unaware that they are entitled to receive -- the 70-hour guarantee. One consequence of these violations is the need for these families to seek public assistance to cover basic needs, inappropriately shifting the burden from employers to taxpayers.

Further, attorneys frequently hear concerns from workers related to potential violations of the employment statement requirements under Minn. Stat. § 181.86, including that a written statement is never provided, is not provided, as required, “at the time the worker is recruited”, or that certain terms are missing or insufficiently stated.

Migrant cannery workers and their families experience significant financial hardship as a result of some employers' lack of compliance with the Minnesota Migrant Labor Statute. Our clients comprise households who are at or below 125% of the federal poverty guidelines. Many do not have more than a high school/GED level of education. The Migrant Labor Statute is designed to protect this vulnerable, low-income population from experiencing days or weeks without available work and therefore without sufficient pay to cover basic household needs.

The proposed changes to the Minnesota Migrant Labor Statute would directly impact the economic safety and security of migrant workers in the affected industries. Giving enforcement authority to the Minnesota Department of Labor and Industry has the potential to significantly reduce racial and economic inequities for this predominantly non-white, Hispanic/Latino, and low-income workforce.

In sum, Legal Aid strongly supports the changes proposed in SF 61 and believe they will have a salutary effect on the lives of this vital segment of Minnesota's workforce. Thank you for allowing Legal Aid the opportunity to comment on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Ron Elwood".

Ron Elwood  
Supervising Attorney