

S.F. No. 207— Safe Workplaces for Meat and Poultry Processing Workers Act

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Section 1. **Title.** [§ 179.87] Specifies a title to reference new sections of law at §§ 179.87 to 179.8757 as the Safe Workplaces for Meat and Poultry Processing Workers Act.

Section 2. **Definitions.** [§ 179.871] Provides definitions of terms used in the act.

Section 3. **Worker rights coordinator.** [§ 179.8715] Requires the commissioner of labor and industry to appoint a meatpacking industry worker rights coordinator within the Department of Labor and Industry (DLI) charged with enforcing the provision of the act. Require the coordinator to submit an annual report to the legislature and to post the report on the DLI website.

Section 4. **Refusal to work under dangerous conditions.** [§ 179.872] Lists the circumstances when a meat-processing worker has a right to refuse to work, including when a worker reasonably believes a condition would expose the worker, other workers, or the public to an unreasonable risk of or exposure to illness or injury. Prohibits a meat-packing employer from discriminating or taking adverse action against a worker for exercising a good-faith refusal to work under hazardous conditions. Entitles a worker exercising a good-faith refusal to work the right to continued employment and to be paid for the hours that would have been worked until the hazardous conditions are remedied.

Section 5. **Unemployment insurance; dangerous meat packing conditions.** [§ 179.874] Provides provisions governing unemployment insurance claims for meat-processing workers.

Section 6. **Enforcement and compliance.** [§ 179.875] Subdivision 1. **Administrative enforcement.** Allows the coordinator to inspect a meatpacking operation and subpoena records and witnesses. Allows the coordinator to seek relief if an employer does not comply with an inspection.

Subdivision 2. **Compliance authority.** Allows the commissioner to issue compliance orders to an employer to comply with the act.

Subdivision 3. **Private civil action.** Allows a worker, authorized employee representative, or other person to bring a civil action within three years of an alleged violation of the act.

Subdivision 4. **Other government enforcement.** Gives enforcement authority for provisions of the act to the attorney general and city or county attorney.

Subdivision 5. **Relief.** Specifies the relief that may be granted including, an injunction including a stop work order or business closure, reasonable costs, disbursements, and attorney fees to a prevailing worker, and a civil penalty of \$100 per day per worker. In the case of a refusal to work, reinstatement, compensation, or front pay in lieu of reinstatement; and compensatory damages and punitive damages.

Subdivision 6. **Whistleblower enforcement; penalty distribution.** Allows relief to be recovered through a private civil action brought on behalf of the commissioner by another individual, including an authorized employee representative. In such cases, civil penalties are distributed by 70 percent of the penalty amount going to the commissioner for enforcement of the act and 30 percent to the individual or authorized employee representative.

Section 7. Retaliation against employees and whistleblowers prohibited. [§ 179.8755]

Paragraph (a) prohibits a meat-processing employer from discriminating or taking an adverse action against any worker or other person who raises a concern through a variety of means about meatpacking operation health and safety practices or hazards. **Paragraph (b)** provides a presumption of retaliation when an employer or other person takes adverse action against a worker or other person within 90 days of the worker's or person's engagement or attempt to engage in activities protected in the act. Allows the presumption to be rebutted by clear and convincing evidence that the action was taken for permissible reasons. **Paragraph (c)** prohibits a meat-processing employer from requiring a worker to sign a contract or other agreement that would limit or prevent the worker from disclosing information about workplace health and safety practices or hazards and makes any such agreements or policies void and unenforceable. **Paragraph (d)** specifies that reporting or threatening to report a meat-processing worker's suspected citizenship or immigration status, or that of a family member constitutes an adverse action for purposes of establishing a violation of that worker's rights. **Paragraph (e)** allows a worker who brings a complaint and suffers retaliation to be entitled to treble damages in addition to lost pay and recovery of attorney fees and costs. **Paragraph (f)** provides an unspecified fine for a company found to have retaliated against a food processing worker.

Section 8. Meatpacking worker chronic injuries and workplace safety. [§ 179.8756]

Subdivision 1. **Safe worker program required; facility committee.** Requires meat-processing employers to adopt a safe worker program as part of the employer's work accident and injury reduction program. Specifies membership for the committee charges with developing a meat-processing employer's safe worker program, including an ergonomist, a licensed physician, and worker representatives.

Subdivision 2. **Program elements.** Specifies the elements that must be included in the written procedures regarding ergonomic hazards and contributing risk factors.

Subdivision 3. **New employee training.** Specifies the information that a meat-processing employer must provide each new employee regarding safety, hazard prevention and control plan, and reporting injuries.

Subdivision 4. **New task and annual safety training.** Requires a meat-processing employer to provide a worker assigned a new task on how to safely perform the task, the associated ergonomic hazards, and training on the signs and symptoms of injury and how to report them. Specifies that at least eight hours of safety training be provided for each employee annually.

Subdivision 5. **Attestation and record keeping.** Requires employers to keep a written attestation of training received for each employee and to have the records available upon request.

Subdivision 6. **Medical services and qualifications.** Provides specifications for medical services provided to employees including medical management of musculoskeletal disorders and injuries. Requires a meat-processing employer to maintain records of all ergonomic injuries suffered by workers for at least five years.

Subdivision 7. **Rulemaking required.** Directs the commissioner to adopt rules requiring employers to maintain accurate records of meat-processing worker exposure to ergonomic hazards.

Subdivision 8. **Pandemic protections.** Provides certain protections to be applied during a peacetime public health emergency.

Section 9. **Notification required.** [§ 179.8757] Requires meat-processing employers to provide to workers information and notifications about employee rights under the act in their language of fluency, in writing, or orally, if needed, at least annually. Requires the coordinator to notify employees of the provisions of the act, including any updates, annually, and posted on the department's website.

Section 10. **Appropriations.** Makes a general fund appropriation to the commissioner of labor and industry to implement the act.