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Maine Equal Justice

People Policy Solutions

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MEJ Testimony in Support of 398, An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws, LD 525, An Act to Protect Farm Workers by Allowing Them to Organize for the Purposes of Collective Bargaining, and LD 1483, An Act to Protect the Rights of Agricultural Workers

April 18, 2023

Good afternoon, Senator Tipping, Representative Roeder and members of the Labor & Housing Committee. My name is Dina Malual, I use she/her pronouns, and I'm a Policy Advocate with Maine Equal Justice, a nonprofit legal aid provider working to increase economic security, opportunity, and equity for people in Maine. I am testifying in support of LD 398, LD 525, and LD 1483.

Farmworkers are vital to the U.S. economy and to Maine's economy. These essential workers provide an important service, yet they are poorly compensated, face dangerous work environments, and are restricted from unionizing and bargaining efforts. Despite their contributions, they are excluded from basic labor protections. Farmworkers, like any working group, deserve fair compensation, safe work environments, the ability to meet with key service and health care providers, and labor protections.

The deep exploitation of farmworkers dates back to the 1930s during the Great Depression. In response to the economic downturn, President Franklin D. Roosevelt initiated The New Deal¹, a series of programs and policies aimed at creating economic stability and labor protections; however, the new freedoms outlined in the federal laws excluded farmworkers. The two programs birthed from the New Deal, The National Labor Relations Act of 1935,² which established the right of workers to join unions and to bargain collectively with their employers and the Fair Labor Standards Act of 1938,³ which set minimum wage, overtime, recordkeeping, and child labor standards, both explicitly excluded farmworkers. Despite these labor laws being enacted in the 1930s, they continue to negatively affect farmworkers today.

¹ https://www.history.com/topics/great-depression/new-deal#section_1

² <https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse>

³ <https://www.dol.gov/agencies/whd/fact-sheets/12-flsa-agriculture>

It is clear that farmworkers continue to be excluded from labor protections and these bills attempt to correct historical wrongs. Farm wages have not changed since 2012 and its effects are evident on Maine farmworkers,⁴ where “25% live in poverty, making them 4.5x as likely to live in poverty as other workers.” Today, we have the opportunity to support farmworkers and help move these workers out of poverty. While we may not have been responsible for the exploitation of farmworkers in the past, if we do not support policies that correct inequities, we are continuing to make it harder for these workers to exercise their well-deserved rights as essential workers in Maine. While most Maine workers continue to see an increase in their minimum wage, farmworkers are not covered by those increases, despite their vital contributions to society.

Maine farmworkers are also unable to unionize and bargain for better work conditions. This request for equity is not out of the ordinary nor impossible. In fact, similar laws have been enacted in California, Hawaii, Oregon, and other states. It is imperative Maine follow suit to ensure the safety and equity of farmworkers.

These bills look to correct disparities that are rooted in historical inequities and work with legislators to support a fair and equitable work environment for farmworkers. The goal is to create better conditions for a group that is at the forefront of our food supply chain. It is imperative that we work together to ensure *all* Maine workers are protected. For these reasons, we urge you to support LD 398, LD 525, and LD 1483. Thank you for your consideration.

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<https://www.mecep.org/blog/maine-must-end-carveouts-that-take-workers-rights-away-from-essential-farmers-and-food-producers/>