



Sen. Merkley Bill Would Protect Farmworkers and Provide Premium Pay During COVID-19 Pandemic

On June 23, 2020, Senator Jeff Merkley (D-OR) introduced the “Frontline At-Risk Manual Laborers Protection Act,” or “FARM Laborers Protection Act,” [S. 4042](#). The bill is cosponsored by Senators Blumenthal (D-CT), Sanders (I-VT), Harris (D-CA), Warren (D-MA), and Leahy (D-VT). The bill would establish provisions to protect agricultural workers from the impacts of the coronavirus, as well as grants for agricultural employers. Farmworker Justice strongly supports this bill. Specifically, the bill would:

1) Require Agricultural Employers to Provide Paid Sick Leave, Premium Pay, and Job Security for Agricultural Workers, Subsidized by Government Funding.

The bill would guarantee 80 hours (10 days) of paid sick leave for agricultural workers, regardless of the size of their employer. Agricultural workers would also be provided “premium pay.” Workers would be entitled to an additional \$13 an hour during the COVID-19 pandemic, up to a maximum of \$10,000 per worker. Back pay will also be available for days already worked during the pandemic. The bill creates a grant program for employers to fund these benefits. The bill also limits furloughs, layoffs, and reductions in worker hours, wages, or benefits and prohibits retaliation against employees for filing a complaint. The Department of Labor (DOL) is tasked with enforcing these protections.

2) Requires Employer Compliance with Centers for Disease Control COVID-19 Guidelines

The Centers for Disease Control (CDC) has published guidelines regarding COVID-19 protections in agriculture, which include sanitation standards, provision of personal protective equipment, and reporting procedures, among other recommendations. These guidelines are not currently mandatory. However, this bill would require all agricultural employers receiving grants under the bill to implement the CDC recommendations.

3) Provides Equipment Grants to Small Agricultural Producers

Agricultural employers with 50 or fewer employees would be eligible for grants of up to \$500 per employee to purchase qualifying protective equipment. Specifically, this includes personal protective equipment (PPE), hand washing stations, and portable bathroom facilities.