



# **Labor Management**

**HOW YOU WORK MATTERS**

# HOW YOU WORK MATTERS: LABOR MANAGEMENT

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## RECRUITING, HIRING AND TERMINATION

### PRINCIPLE

Growers shall comply with applicable federal and state laws relating to recruiting, hiring and termination and maintain documentation to verify compliance. I-9's shall be completed and used to verify worker's age to ensure compliance with the age requirements of the GAPC Certification Program.

### CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- If there are H-2A workers on the farm obtain and keep a copy(s) of the ETA 790(s) and 790A(s) for all H-2A workers which must include the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number.
- If there are H-2A workers on the farm the grower's name (Primary or Associate), the name of the entity which the individual is a part of (member or employee) must be listed on all of the:
  - ETA 790(s) and ETA 790A(s)
  - ETA 9142A(s) (if requested)
- Growers should not employ unauthorized H-2A workers or allow H-2A workers under their employment to work on an unauthorized farm location. H-2A workers are only authorized to work for the employers and at the locations listed on their H-2A contract, the ETA 790, and the ETA 9142A. Grower's operation must be listed on the ETA paperwork.
- Complete and maintain a Form I-9 for each worker. Once the work commitment has terminated, grower keeps the Form I-9 for either three years after the date of hire, or one year after the date the work commitment is terminated, whichever is longer. Form I-9 is not required for immediate family farm labor<sup>3</sup>.

### CRITICAL STANDARDS FOR U.S. CERTIFICATION

- If you hire more than 500 man-days of hired labor in any of calendar quarters of last year, at the time of hire of seasonal workers (excludes immediate family farm labor<sup>18</sup> and workers involved in a vocational or apprenticeship program<sup>4</sup>) and at the time of recruitment of migrant workers the following must be provided in writing in the worker's preferred language, to include:
  - place of work (with specifics, such as the name and address of the company or the association),
  - pay rates (including piece rates) to be paid,
  - crops and kinds of activities for which the worker may be assigned,
  - period of work commitment,
  - transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and
  - whether state workers' compensation or state unemployment insurance is provided.

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<sup>3</sup> Immediate family members includes only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of owner/operator. If the worker does not fall into one of the four categories listed here then the worker is considered a hired employee per the US DOL definition.

<sup>4</sup> Workers are exempt if they are involved in a vocational or apprenticeship program sanctioned by the Board of Education in the state. Documentation verifying the vocation or apprenticeship program will be required.

## CRITICAL STANDARDS FOR INTERNATIONAL CERTIFICATION

- At the time of recruitment and at the time of hire, provide all hired workers (excludes immediate family farm labor<sup>18</sup>) a written disclosure describing the terms and conditions of their work commitment written in the worker's preferred language, to include:
  - place of work (with specifics, such as the name and address of the Company or the association),
  - pay rates (including piece rates) to be paid,
  - crops and kinds of activities for which the worker may be assigned,
  - period of work commitment,
  - transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and
  - whether state workers' compensation or state unemployment insurance is provided.

## ADDITIONAL STANDARDS

### High

- Maintain documentation of the number of permanent, local, seasonal, migrant, H2A, and immediate and non-immediate family workers.
- Maintain records concerning any worker who was terminated, the reason for such termination, and report to the proper authorities (important for H-2A). Termination records are not required for immediate family farm labor<sup>21</sup> and workers involved in a vocational or apprenticeship program<sup>5</sup>.

## IMMEDIATE FAMILY WORKING ON THE FARM

### PRINCIPLE

Align GAPC U.S. Certification Standards with U.S. law regarding immediate family labor and align GAPC International Certification with the International Labor Convention (ILO) regarding restrictions on immediate family labor.

### GUIDANCE

Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker per the US DOL definition.

## CRITICAL STANDARDS FOR US CERTIFICATION

- Comply with all federal and state child labor laws pertaining to immediate family labor.

## CRITICAL STANDARDS FOR INTERNATIONAL CERTIFICATION

- Immediate family members ages 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.
- Immediate family members ages 16 – 17 cannot be assigned any DOL hazardous tasks (Appendix 1- List A) or other restricted tasks (Appendix 1 – List B).

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<sup>5</sup> Workers are exempt if they are involved in a vocational or apprenticeship program sanctioned by the Board of Education in the state. Documentation verifying the vocation or apprenticeship program will be required.

- Ensure that a responsible adult is always present and supervising the child's work, and that you follow regulations on the number of hours a child is permitted to work.<sup>6</sup> Furthermore, children are not permitted to work at night.

## HIRED WORKERS

### PRINCIPLE

Eliminating work which puts minor's (under the age of 18) health, safety, education, and development at risk.

### GUIDANCE

Standards in this section do not apply to immediate family farm labor. If your operation hires ANY non-immediate family farm labor these standards will apply to those non-immediate family workers.

### CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- No hired worker under 18 may be assigned DOL hazardous tasks (Appendix 1 - List A).

### CRITICAL STANDARDS FOR US CERTIFICATION

- The grower must obtain the written consent of a youth worker's (under 18) parent or legal guardian prior to work commitment commencing.
- Growers must not engage or obtain services from any person who is younger than 16 years of age. Exceptions for utilizing a person under 16 years of age include the following:
  - Youth excused from compulsory school attendance by applicable law, AND
  - Youth involved in accredited learning programs can be assigned work tasks if the tasks relate directly to the learning experiences of the program and are in compliance with law.
- Youth labor that is excused from compulsory school attendance by applicable law, and youth involved in accredited learning programs (apprenticeship or vocational programs) must have verification documentation.

### CRITICAL STANDARDS FOR INTERNATIONAL CERTIFICATION

- Growers must not employ or obtain services from any person who is younger than 16 years of age.
- No hired worker under 18 may be assigned Other Restricted Tasks (Appendix 1 - List B).

### ADDITIONAL STANDARDS

#### High

- If minors are employed on the farm, records that include, at minimum:
  - Name in full
  - Place where the minor lives while employed,
  - Permanent address,
  - Date of birth

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<sup>6</sup> The recommended hourly limit for family children 13 to 15 years old is 2 hours per day.

## WAGE, BENEFITS, AND WORKING HOURS

### PRINCIPLE

Wages shall be in accordance with all federal, state, and local laws and records of time worked and/or production provided by workers. Workers shall be given the terms and conditions of their employment and receive wage statements to ensure transparency and monitoring for proper payment, illegal fees and deductions.

### GUIDANCE

Standards in this section do not apply to immediate family farm labor<sup>7</sup> and workers involved in a vocational or apprenticeship program<sup>8</sup>. If your operation hires ANY non-immediate family farm labor not involved in a vocational or apprenticeship program these standards will apply to those workers.

### CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- Ensure that the pay of all workers (including for temporary, piece rates, seasonal, and migrant workers) meet, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers.
- Ensure that workers are paid either daily, weekly, or bi-weekly and according to their employment terms and conditions.
- Maintain a copy and provide workers with a copy of their individual written wage statements for each pay period that include (wage statements are not required for immediate family farm labor):
  - Worker's full name,
  - Worker's address (permanent or seasonal),
  - Worker's social security number (last 4-digits is acceptable),
  - Employer's name,
  - Employer's address,
  - Employer's identification number (entire number),
  - Total pay period earnings,
  - Number of hours worked,
  - Basis on which wages are paid (piece rate if paid on a piecework basis),
  - Number piecework units earned, if applicable,
  - Specific sums withheld, and the purpose of each sum withheld,
  - Net Pay

NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required.  
NOTE: This Standard is above U.S. law requirements.
- Compensation must include all time under the grower's direction and control once worker initiates any work activity including short breaks (20 minutes or less) and time used to conduct training. This does not include transportation from housing to field to start and from the field to housing when work is complete.
- All over contract work hours are voluntary and paid in accordance with applicable laws related to wage and working hour requirements.

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<sup>7</sup> Immediate family members includes only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of owner/operator. If the worker does not fall into one of the four categories listed, then the worker is considered a hired employee per the US DOL definition.

<sup>8</sup> Workers are exempt if they are involved in a vocational or apprenticeship program sanctioned by the Board of Education in the state. Documentation verifying the vocation or apprenticeship program will be required.

- All deductions must be in accordance with applicable law.
- Workers must not be subject to any illegal wage withholdings, such as deposits or deductions, for the purpose of recruitment or retention.

## **LABOR POSTERS**

### **PRINCIPLE**

Growers shall comply with all applicable federal and state laws relating to postings of laws, regulations and critical messages.

### **GUIDANCE**

Standards in this section do not apply to immediate family farm labor<sup>9</sup>. If your operation hires ANY non-immediate family farm labor these standards will apply to your operation as applicable.

### **CRITICAL STANDARDS**

- Post all legally required labor standards posters where they will be visible to all workers, in a language common to the workers, which sets forth the rights and protections of the workers. Including but not limited to:
  - Notice of Migrant and Seasonal Agricultural Workers Protection Act (MSPA)
  - Notice of Employee Rights under the Fair Labor Standards Act
  - Employee Rights under the H-2A Program (if H-2A workers work on the operation)
  - OSHA Occupational Safety and Health Poster

## **FARM LABOR CONTRACTORS (FLCs) / H-2ALCs (Indirect Hired Labor)**

### **PRINCIPLE**

Growers shall comply with all applicable federal and state laws relating to the use of FLCs and H-2ALCs and ensure that all practices required by GAPC Certification in regard to directly hired labor or applied to indirectly hired labor (i.e. labor provided by a third-party) including eliminating work which puts minor's (under the age of 18) health, safety, education, and development at risk.

### **GUIDANCE**

Standards in this section apply to operations that indirectly hire labor through a third-party defined by U.S. law as a Farm Labor Contractor or H-2ALC. A Farm Labor Contractor (FLC) is someone who, for money or other valuable consideration, recruits, solicits, hires, employs, furnishes or transports migrant and/or seasonal agricultural workers or, provides housing to migrant agricultural workers. They are often called crew leaders or crew bosses. Anyone in the US who meets this definition of a Farm Labor Contractor as defined by the US Department of Labor must be registered with the US Department of Labor.

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<sup>9</sup> Immediate family members includes only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters. If the worker does not fall into one of the four categories listed then the worker is considered a hired employee per the US DOL definition.

## CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- Ensure no worker under 18 provided by the FLC/H-2ALC is assigned DOL hazardous tasks (Appendix 1 - List A).
- If a grower chooses to work with an individual defined as a FLC or H-2ALC by current U.S. laws, they must be currently registered with the U.S. DOL and have a valid and non-expired Certificate of Registration.
- Obtain and keep a copy of the FLC or H-2ALC's valid and non-expired Certificate of Registration.
- If there are H-2A workers on the farm provided by a H-2ALC, obtain and keep a copy of the ETA 790(s) and 790a(s) for all H-2ALC workers that work on your farm which must include the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number.
- If there are H-2A workers on the farm provided by a H-2ALC, the grower's operation must be listed on work order and the H-2ALC's name must be listed on the:
  - ETA 790(s) and 790A(s)
  - ETA 9142A(s) (if requested)
- Growers should not employ unauthorized H-2A workers. H-2A workers are only authorized to work for the employers and at the locations listed on their H-2A contract, the ETA 790(s) and 790A(s) and the ETA 9142A(s).
- If there are H-2A workers on the farm provided by a H-2ALC, there must be a contract between the grower and the H-2ALC. The contract is required by U.S. DOL when the H-2ALC requests H-2A workers.
- If there are H-2A workers on the farm provided by a H-2ALC, a copy of the contract between the grower and the FLC must be provided. The contract is required U.S. DOL when the H-2ALC requests H-2A workers.
- If there are H-2A workers on the farm provided by a H-2ALC, the H-2ALC must have a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification.
- If there are H-2A workers on the farm provided by a H-2ALC, the grower must have proof of a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification.
- If the FLC or H-2ALC is housing workers, they should be authorized to house on their Certificate of Registration.
- Obtain and keep a copy of the housing inspection if FLC or H-2ALC is authorized to house.
- The FLC/H-2ALC must maintain the housing facility(s) to comply with all federal and state safety and health standards<sup>10</sup>, including up-to-date certification from DOL or other appropriate governmental agencies.
- If the FLC or H-2ALC is transporting workers, they should be authorized to transport on their Certificate of Registration.
- If FLC or H-2ALC is transporting workers, they must be insured.
- Obtain and keep a copy of insurance for each vehicle if FLC or H-2ALC is authorized to transport.
- If the FLC or H-2ALC is driving workers, they should be authorized to drive on their Certificate of Registration.

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<sup>10</sup> Housing must be maintained during occupancy to meet the appropriate OSHA, ETA standards, and/or local and state-specific rules for employer-provided housing and/or migrant housing.

- Obtain and keep a copy of the FLC's or H-2ALC's driver's license and doctor's certificate if FLC or H-2ALC is authorized to drive.
- Obtain and keep copy of the terms and conditions of their work commitment written in the worker's preferred language, to include:
  - place of work (with specifics, such as the name and address of the company or the association),
  - pay rates (including piece rates) to be paid,
  - crops and kinds of activities for which the worker may be assigned,
  - period of work commitment,
  - transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and
  - whether state workers' compensation or state unemployment insurance is provided
- Ensure that the pay of all workers provided by the FLC/H-2ALC meets, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers by either paying workers directly rather than through FLC/H-2ALC or ensure the FLC/H-2ALC provides wage statements to workers as legally required and grower obtains and keeps copies.
- Maintain a copy of and ensure that all workers provided by the FLC/H-2ALC are provided with a copy of their individual written wage statements for each pay period that include:
  - Worker's full name,
  - Worker's address (seasonal or permanent),
  - Worker's social security number (last 4-digits is acceptable),
  - Employer's name,
  - Employer's address,
  - Employer's identification number (entire number),
  - Total pay period earnings,
  - Number of hours worked,
  - Basis on which wages are paid (piece rate if paid on a piecework basis),
  - Number piecework units earned, if applicable,
  - Specific sums withheld, and the purpose of each sum withheld,
  - Net pay

NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required.

## **CRITICAL STANDARDS FOR US CERTIFICATION**

- The grower must obtain the written consent of any youth worker's (under 18) parent or legal guardian prior to work commitment commencing provided by the FLC/H-2ALC.
- Ensure all workers provided by the FLC/H-2ALC are 16 years of age or older.
- Verify workers provided by the FLC/H-2ALC are 16 years of age or older by reviewing the worker's I-9 form.



## CRITICAL STANDARDS FOR INTERNATIONAL CERTIFICATION

- Ensure all workers provided by the FLC/H-2ALC are 18 years of age or older.
- Verify workers provided by the FLC/H-2ALC are 18 years of age or older by reviewing the worker's I-9 form.
- Ensure no worker under 18 provided by the FLC/H-2ALC is assigned other hazardous tasks (Appendix 1 – List B).

## ADDITIONAL STANDARDS

### High

- If minors (under 18), provided by the FLC/H-2ALC, work on the farm records that include, at minimum must be maintained: Name in full, place where the minor lives while employed, permanent address, date of birth.

## FORCED LABOR AND HUMAN TRAFFICKING

### PRINCIPLE

All farm labor must be voluntary. There shall be no forced labor or labor carried out under any threat or duress.

### GUIDANCE

Standards in this section do not apply to immediate family farm labor. If your operation hires ANY non-immediate family farm labor these standards will apply to those non-immediate family workers.

## CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- Workers shall be allowed to terminate their work commitment at any time, without the threat of intimidation, coercion, blacklisting, or any other type of discrimination or retaliation. If H-2A workers are employed, growers should follow all legal requirements if an H-2A worker terminates their employment commitment.<sup>11</sup>
- Growers are prohibited from employing compulsory or prison labor.
- All work must be voluntary and shall not be carried out under threat or duress. Growers must not recruit, transport, or receive workers using threats, force, coercion, abduction, fraud, or deceit or abuse of their power or the vulnerability of workers.
- Workers shall not be charged any fees for their recruitment or transport to their place of work, by the grower.

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<sup>11</sup> H-2A workers must only work for the employer listed on the contract and at the location(s) stated on the contract. Employers of H-2A workers must notify USCIS within 2 workdays if any of the following occur: (1) No show: The H-2A worker fails to report to work within 5 workdays of the latter of the employment start date on the H-2A petition, or the start date established by the employer; (2) Abscondment: The H-2A worker leaves without notice and fails to report for work for 5 consecutive workdays without the consent of the employer; (3) Termination: The H-2A worker is terminated before completing of the H-2A labor or services for which he or she was hired; or (4) Early Completion: The H-2A worker finishes the labor or services for which he or she was hired more than 30 days earlier than the date specified in the H-2A petition.

- Growers are prohibited from retaining workers’ personal identity documents, visas, money, valuables, paychecks, debit or credit cards, or return tickets. Growers may provide, upon request, workers with safe place to store these items, but these items must be accessible to the workers upon request.
- There shall be no restrictions on workers’ freedom of movement, and workers shall be permitted to enter and exit their place of work.<sup>12</sup>

## WORKER RIGHTS AND RESPONSIBILITIES AND WORKER CONCERN PROCESS

### PRINCIPLE

Informing and training workers of their rights and access to a worker concern process equips workers with the knowledge and skills to identify and report any concerns they may have about the working environment. Prohibiting worker retaliation allows workers to report concerns without fear allowing for their active role in continuous monitoring of working conditions for themselves and others working in tobacco production.

### GUIDANCE

Standards in this section do not apply to immediate family farm labor. If your operation hires ANY non-immediate family farm labor these standards will apply to those non-immediate family workers.

### CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- A Worker Rights and Responsibilities poster must be posted in their native language where workers can access and read it on or near the job site.
- The most current GAPC Worker Concern Helpline poster or other approved third-party worker concern phone number must be posted in their native language where workers can access and read it on or near the job site.
- Grower must implement a worker concern process. This is a documented program that is discussed AND given to or posted for all workers. The policy must be written in a language common to the workers and set forth the terms of the available worker concern process to include the following (growers may use the posters and template provided by GAPC):
  - The Grower is committed to providing a safe working environment for all workers and satisfy all legal rights of workers while they are on their farm.
  - A method is available for workers to notify the Grower, orally and in writing, of any concern related to the terms or conditions of work.
  - The Grower will investigate concerns brought forth by workers and provide notice to the workers, if known, of how the concern will be or was addressed. At the request of the workers, an informal

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<sup>12</sup> H-2A workers must only work for the employer listed on the contract and at the location(s) stated on the contract. Employers of H-2A workers must notify USCIS within 2 workdays if any of the following occur: (1) No show: The H-2A worker fails to report to work within 5 workdays of the latter of the employment start date on the H-2A petition, or the start date established by the employer; (2) Abscondment: The H-2A worker leaves without notice and fails to report for work for 5 consecutive workdays without the consent of the employer; (3) Termination: The H-2A worker is terminated before completing of the H-2A labor or services for which he or she was hired; or (4) Early Completion: The H-2A worker finishes the labor or services for which he or she was hired more than 30 days earlier than the date specified in the H-2A petition.

meeting between the grower and workers will be held to address the concern.

- If a worker raises a concern with grower and is not satisfied with the resolution or handling of the issue, they are encouraged to call the GAPCs' Worker Concern Helpline or to an alternative approved third-party helpline to voice and address the concern.
- The Grower, any of his/her employees or agents will retaliate against workers for using the worker concern process.

Other approved third-party worker concern helplines or processes:

- If you use North Carolina Growers Association (NCGA) to source H-2A workers for your farm you may use the NCGA grievance mechanism to fulfill the requirement of a documented worker concern process and you do not have to post the GAPC Worker Concern Helpline poster. You must provide the following:
  - Documentation that describes the procedures and policies used;
  - Documentation on how this is shared with your workers (found in the signed Acknowledgement of Receipt from NCGA);
  - Visual evidence of it being displayed or shared on a daily basis with the workers (i.e. poster, sign, wallet card, etc.

## FREEDOM OF ASSOCIATION

### PRINCIPLE

Growers shall recognize and respect workers' rights to freedom of association and to bargain collectively. Representatives of worker associations should be able to carry out their activities within the framework of law, regulation, prevailing labor relations and practices, and agreed procedures.

### GUIDANCE

Standards in this section do not apply to immediate family farm labor. If your operation hires ANY non-immediate family farm labor these standards will apply to those non-immediate family workers.

### CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- Respect the legal rights of workers to, or not to, associate, organize and bargain collectively.
- Do not interfere in union activities.
- Do not discriminate nor retaliate against workers for such activities.

## HARRASSMENT AND DISCRIMINATION

### PRINCIPLE

Growers shall ensure the fair treatment of workers. No harassment, discrimination, or any other form of abuse or the threat or implication of these actions towards workers shall be tolerated.

### GUIDANCE

Standards in this section do not apply to immediate family farm labor. If your operation hires ANY non-immediate family farm labor these standards will apply to those non-immediate family workers.

## CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- All workers must be treated with dignity and respect and not be threatened with or subjected to verbal, physical, sexual or mental harassment or abuse, coercion, or corporal punishment during work commitment or recruitment.
- Workers must not be subject to discrimination based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, veteran status, or marital status.

## ADDITIONAL STANDARDS

### High

- Have a documented anti-discrimination policy.

## SANITATION, HOUSING AND TRANSPORTATION

### PRINCIPLE

Growers shall comply with all federal and state laws relating to sanitation, housing, and transportation while providing breaks and access to water, bathroom facilities and handwashing stations. Provided housing shall be clean, safe, and meet the basic needs of the workers.

### GUIDANCE

Standards in this section apply to ALL farming operations including those that only have immediate family farm labor, if applicable.

## CRITICAL STANDARDS FOR ALL CERTIFICATIONS

- Growers must provide workers easy access to the following as required:
  - Cool, potable water available during work hours
  - Clean and sanitary bathroom facilities during work hours
  - Hand washing facilities with soap at close proximity to bathrooms
- Grower operations with eleven (11) or more workers, employed during the past twelve months, at any one time, engaged in hand-labor operations must provide clean and sanitary bathroom facilities during work hours and hand washing facilities with soap at close proximity within a quarter-mile walking distance from workers' place of work in the field. Toilet and handwashing facilities are not required within a quarter mile for workers who perform field work for a period of three (3) hours or less (including transportation time to and from the field) during the day.
- Growers must offer workers rest breaks during the day, including lunch, without compromising their ability to earn wages.
- If the grower provides housing directly to seasonal workers or migrant workers, the grower must:
  - Maintain the housing facility(s) to comply with all federal and state safety and health standards<sup>13</sup>, including up-to-date certification from DOL or other appropriate governmental agencies.

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<sup>13</sup> Housing must be maintained during occupancy to meet the appropriate OSHA, ETA standards, and/or local and state-specific rules for employer-provided housing and/or migrant housing.

- Inspect housing prior to occupancy and at mid-season, using the OSHA Housing Safety and Health Checklist Provided in Agricultural Labor Management Guide.
- Post or present to each worker, in their native language a statement of the terms and conditions of occupancy which must include:
  - Name and address and contact information of the individual in charge of the housing,
  - Emergency contact information,
  - Physical address and mailing address of the housing facility,
  - Who may live at the housing facility,
  - Charges to be made for housing,
  - Meals to be provided and any associated cost for them,
  - Charges for utilities, and
  - Any other charges or conditions of occupancy
- If transportation is provided, growers must ensure that vehicles meet legally required safety standards and that drivers are properly insured and licensed. Vehicles must be inspected when required by law, and person supplying the transportation must maintain inspection records.

## **Additional Standards**

### **High**

- If the grower provides housing directly to seasonal or migrant workers, the grower must:
  - Inspect housing prior to occupancy and at mid-season, using the OSHA Housing Safety and Health Checklist provided in Agricultural Labor Management Guide.

## **FARM SAFETY**

### **PRINCIPLE**

Providing a safe working environment prevents accidents and injuries and minimizes health risks. Workers should have the rights to be informed and consulted on health and safety and have the right to remove themselves from danger, without prejudice, where there is justified imminent and serious risk to their safety.

### **GUIDANCE**

Standards in this section apply to ALL farming operations including those that only have immediate family farm labor.

### **CRITICAL STANDARDS FOR ALL CERTIFICATIONS**

Growers should provide a safe and healthy workplace by complying with the standards below and all applicable safety, health and environmental laws and regulations. Growers must:

- Maintain records of all work-related accidents and illnesses serious enough to interfere with the workers' ability to perform their job and/or otherwise required by occupational safety and health laws. Records of all work-related accidents must be maintained at the worksite for at least five years.
- From February through April, growers must post a summary of the injuries and illnesses recorded the previous year (OSHA Form 300 A).
- Operations with 20-249 workers must submit injury and illness summary data to OSHA electronically through the Injury Tracking Application by March 2.

- Review accident records periodically for guidance on avoiding future injuries.
- Follow Occupational Safety and Health Administration (OSHA) guidelines with respect to addressing GTS and heat stress risks.
- Take precautions to limit worker exposure to wet tobacco and ensure adequate measures are in place to prevent GTS
- Identify risks on the farm such as those involved in operating machinery/equipment, adverse weather conditions, CPA applications, etc. and train workers on how to avoid and protect themselves from such risks.
- Follow the legal requirements that restrict workers from entering an area where CPAs have been used, and as legally required, post signs designating re-entry times for specific fields after CPA application.
- Have a dedicated emergency contact person for all workers.
- Provide access to Emergency Medical Services (EMS).
- Provide workers with an emergency plan for medical emergencies, fires, or weather events that includes, at minimum, a list of important numbers for emergency services and the location of a safe shelter on the farm or an evacuation plan that leads workers to a safe location in case of weather events.

## **ADDITIONAL STANDARDS**

### **High**

- Have a staff member (or grower) certified in First Aid/CPR/AED training.

## **TRAINING**

### **PRINCIPLE**

Training equips growers, families and workers with the information and skills to identify hazards and provide a safe working environment for themselves and others on the farm. Growers should provide workers with regular health and safety training appropriate to the work they perform.

### **GUIDANCE**

Standards in this section apply to ALL farming operations including those that only have immediate family farm labor. Training is to be done for all workers (family and non-family).

### **CRITICAL STANDARDS FOR ALL CERTIFICATIONS**

- Grower documents annual training to all farm workers including the farm worker's name, signature, and signature date (i.e. training date) on the hazards and risks associated with CPAs, safe working practices, emergency response and health surveillance including:
  - Heat Stress
  - Farm Safety, including Farm Equipment Safety and First Aid
  - Carbon Monoxide Poisoning Prevention (if applicable)
  - Pesticide Safety and Personal Protective Equipment (PPE)
  - Green Tobacco Sickness (GTS)
  - Emergency response procedures
  - Recognition of REI
  - Storage, handling, application, and disposal of CPAs

- NTRM Prevention
- Grower follows all requirements of state and national regulations and training requirements related to worker protection and CPA use.

## **ADDITIONAL STANDARDS**

### **High**

- Grower documents annual training to all farm workers including the farm worker's name, signature, and signature date (i.e. training date) on:
  - Proper baling and market separation of tobacco
  - AIR & FIRE ONLY: Grade separation

## **SAFETY EQUIPMENT**

### **PRINCIPLE**

Ensuring that any person who prepares and applies pesticides has access to appropriate protective and safety equipment and maintaining safety precautions on equipment reduces exposure to hazards and harm while working on the farm. Producers must

### **GUIDANCE**

Standards in this section apply to ALL farming operations including those that only have immediate family farm labor. Training is to be done for all workers (family and non-family). Personal protective equipment (PPE) will be evaluated based on tasks performed by workers. PPE should be available to all those workers performing tasks that require PPE.

### **CRITICAL STANDARDS FOR ALL CERTIFICATIONS**

- Use label-required PPE by applicators/handlers/early entry workers.
- Provide gloves and water-resistant clothing for workers working in wet tobacco.
- Provide chemical resistant gloves for anyone handling or applying CPAs.
- Provide chemical resistant aprons for anyone mixing or loading CPAs.
- Provide chemical resistant footwear for anyone mixing or loading CPAs.
- Provide safety glasses for workers applying or handling CPAs or performing jobs which can create flying objects that damage eyes such as grinding, sawing, driving nails, etc.
- Provide hearing protection equipment for workers operating machinery or power tools.
- Provide dust masks for workers handling cured tobacco or operating machinery or power tools under dusty conditions.

## **ADDITIONAL STANDARDS**

### **High**

A grower is required to:

- Have adequately maintained farm vehicles, machinery and tools with the originally installed guards, shields or other protections as per manual/guidance provided by manufacturer or dealer of equipment.
- Have adequate First-aid equipment for the number of workers for the grower's tobacco production operation.

- Have ready-to use fire extinguishers available within two hundred feet of curing barns when workers are present.



# Appendixes

## APPENDIX 1: Hazardous Lists Reference

### List A: DOL Hazardous Tasks List Items Related to Tobacco Production<sup>14</sup>

- Operating a tractor of over 20 power-take-off (PTO) horsepower or connecting or disconnecting an implement or any of its parts to or from such a tractor.
- Operating or assisting to operate (including starting, stopping, adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines: the unloading mechanism of a non-gravity-type self-unloading wagon or trailer or power post hole diggers, power post driver, or non-walking type rotary tiller.
- Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines: trencher or earthmoving equipment; forklift; or power-driven circular, band, or chain saw.
- Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.
- Driving a bus, truck, or automobile when transporting passengers or riding on a tractor as a passenger or helper.
- Handling or applying toxic agricultural chemicals (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying such chemicals). Such toxic chemicals are identified by the word “poison,” or “warning,” or are identified by a “skull and crossbones” on the label.

### List B: International Restricted Tasks (for youth under 18 years of age)

- Harvesting, topping, suckering tobacco.
- Operating machinery with moving parts or moving vehicles.
- Use of tools requiring motion for cutting (e.g., machete) or shears.
- Handling and application of crop protection agents (CPA) or fertilizers.
- Lifting and handling heavy loads unless the load is less than 10% of the person’s body mass.
- Working at heights greater than four feet without approved fall protection equipment.
- Work at night (30 minutes after sundown to 30 minutes before sunrise).
- Working in intense hot weather, humidity or direct sunlight unless guidance on the GTS and Heat Stress Bulletin and precautions in the OSHA Heat Safety Tool and “Using the Heat Index: A Guide to Employees” are followed. Ready access to cool, potable water is required.
- Working long hours (more than 8 hours in a 24-hour period).

<sup>14</sup> Source: <https://www.dol.gov/whd/regs/compliance/whdfs40.pdf>