

Guide to the Law Protecting Migrant and Seasonal Farm Workers

in the United States

The Migrant and Seasonal Agricultural Worker Protection Act (MSAWPA) is a federal law that protects migrant and seasonal farm workers.

- Growers and farm labor contractors must respect your rights as a farm worker.
- Growers and farm labor contractors must do what the MSAWPA requires of them.

Who does the MSAWPA protect?

- You are protected by the MSAWPA if you are a farm worker working for any temporary period, such as a season or a harvest, and you work for a farm labor contractor or a grower.
- You do not have to be a U.S. citizen or visa holder to be protected by the MSAWPA. Only H-2A visa holders are not covered by the MSAWPA.
- Both men and women are protected by the MSAWPA, regardless of nationality or ethnic origin.

What should I know about someone who recruits me for farm work?

- A farm labor contractor must be licensed with the Department of Labor before making any arrangements with farm workers.
- You can check the registration status of a contractor by contacting the Department of Labor at 1-800-800-0235, or you can ask the farm labor contractor to show you his or her license.



What is a farm labor contractor?

Grower → Contractor → Worker

A farm labor contractor can be in charge of:

- recruiting or finding workers for a grower;
- contracting workers;
- transporting workers;
- housing workers;
- making other work arrangements for a grower.

Can the farm labor contractor or grower transport me to the field?

Growers and farm labor contractors who provide you with transportation must:

- meet all safety standards, including Department of Labor regulations;
- make sure that drivers are licensed;
- have insurance that protects you in case of an accident.

You have the right to refuse unsafe transportation.

What should I know before I go to the field with a farm labor contractor?

The person who recruits you as a farm worker must tell you:

- where you will work;
- for how long;
- how much you will be making per hour or per piece;
- what kinds of work you will be doing and on what crops;
- what transportation arrangements exist;
- what housing arrangements exist;
- whether there is a strike or other problem at the place of employment.
- whether state workers' compensation insurance is provided and information about such insurance;
- whether there is any sales arrangement whereby the grower, grower's association, or farm labor contractor will receive a benefit from sales made by any party to the workers.



You can receive information in your own language

- Growers and farm labor contractors must give information to you in your own language whenever possible.

Housing must meet health and safety standards

Any person who owns or controls housing used by migrant farm workers must make sure that the housing meets federal and state safety and health standards.

- A government agent must certify that the housing meets these standards.
- The person who provides you with housing must also post a copy of the government certification at the housing site for you to see.
- Minimum standards include a working toilet and washing facilities.
- Housing must be clean when you arrive and during the period you stay there.

Is there anything else my employer should tell me?

Your employer must give you this information in writing:

- how much you are being paid per piece or per hour;
- if you are paid per piece, how many pieces you completed;
- if you are paid per hour, how many hours you worked;
- how much money you have earned in a pay period;
- how much money that you earned was deducted or taken from your pay;
- the total amount of money you have earned before any deductions.

Wages and work conditions

- You have a right to receive wages owed to you as soon as they are due and to be paid at least twice a month.
- You have a right to expect that the wages and working conditions you have been promised will be changed only if necessary.
- You have a right to be paid the minimum wage, even if you are being paid a piece rate. For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Unemployment Compensation in the United States](#).

What do I do if the farm labor contractor or the grower does not follow the law?

You can make a complaint to the Department of Labor.

- The Wage and Hour Division of the U.S. Department of Labor enforces the MSAWPA.
- Growers and farm labor contractors who do not obey the law face money fines and even imprisonment.
- Farm labor contractors can lose their licenses.
- Call the Department of Labor: 1-866-4US WAGE (1-866-487-9243).

You have a legal right to sue your employer.

- If somebody harms you by not following the requirements of the MSAWPA, you can sue.
- To sue a person or group that has violated the MSAWPA, you must file a suit in the appropriate state or federal court.
- Your ability to sue does not depend upon your citizenship, the amount of money at issue, or the fact that you have made a complaint elsewhere.
- You may also ask the court to appoint a lawyer to your case.

For more information contact the nearest legal aid office.

Stand up for your rights

- No one can threaten you when you assert your rights under the MSAWPA. Your employer cannot fire you, fine you, or discipline you for exercising your rights.
- You cannot agree with the grower or farm labor contractor to give up your MSAWPA rights.

Am I protected by other employment laws?

- Your employer must meet the minimum standards established by all applicable state and federal laws.

What happens if I get hurt on the job?

In most states, farm workers can collect workers' compensation.

Employers must provide workers' compensation insurance for workers at no cost to the worker.

For more information on workers' compensation and to find out whether you can collect in the state where you work, see [Guide to On-the-Job Injuries in the United States](#).

Buying from a grower or contractor

- You have a right to purchase goods or services from anyone you choose. Growers, farm labor contractors, and farm associations cannot require you to purchase goods only from them.



Commission for Labor Cooperation