



## City of Northampton

MASSACHUSETTS

### *In the City Council, October 7, 2021*

Upon the Recommendation of: Councilor Rachel Maiore, Councilor Marianne LaBarge, and Councilor Michael J. Quinlan, Jr.

### **R-21.340 A RESOLUTION IN SUPPORT OF THE FAIRNESS TO FARMWORKERS ACT**

WHEREAS, Farming in the Commonwealth is a vibrant part of our state economy, providing consumers with healthy local food options, preserving open land, supporting our local economy and reducing our carbon footprint, and;

WHEREAS, Hampshire County has 692 farms on 50,644 acres<sup>1</sup>; 213 of these farms hire farmworkers, with a total of 1,267 farmworkers employed in the County<sup>2</sup>, and;

WHEREAS, Farmworkers in Massachusetts are at present denied the wage and hour protections provided to other workers, miring farmworkers and their families in unjust work and living conditions. Twice as many farmworker families now live in severe poverty as compared to other families<sup>3</sup>, and;

WHEREAS, Farmworkers additionally face unique workplace hazards and health concerns resulting from long work hours, exposure to pesticides and a physically demanding, fast-paced work environment. Agricultural workers, alongside those in the fishing industry, experience the highest rate of occupational fatalities in Massachusetts<sup>4</sup>, and;

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<sup>1</sup> MA Department Of Agric. Res., Agric. Res. And Statistics: Statistics On Agric. In Ma (2021)

<sup>2</sup> U.S.Dep't Of Agric., 2017 Census Of Agriculture Massachusetts State And County Data 7, 9, 88 (2019)

<sup>3</sup> Connecticut River Valley Farmworker Health Program Demographics Report, Conn. River Valley Farmworker Health Program (Mar. 1, 2021)

<sup>4</sup> Mass.Dep't Of Pub.Health, Fatal Injuries At Work Massachusetts Fatality Update 2016-2017 2 (2019)

WHEREAS, Despite the elevated health and safety risks farmworkers face, many farmworkers in the Commonwealth lack benefits and resources to help address health issues. For example, 88% of Massachusetts farmworkers surveyed by the Pioneer Valley Workers Center reported that their employers did not offer paid sick days<sup>5</sup> and approximately 80% of the Connecticut River Valley Farmworker Health Program’s Massachusetts farmworker patients did not have health insurance in 2019,<sup>6</sup> and;

WHEREAS, Farmworkers in Massachusetts are overwhelmingly immigrants originating from Latin America, and;

WHEREAS, The longstanding exclusion of farmworkers from our state’s minimum wage and overtime protections – afforded to virtually all other employees, including other essential workers– is part of a national legacy of structural racism and inequality, based in the exclusion of farm work from the national landmark workplace legislation of the 1930s to allow for the continued economic exploitation of African American farmworkers, and;

WHEREAS, Massachusetts law should not permit a disproportionately immigrant and Black and Latino workforce to earn a poverty-inducing wage that is 40% lower than the current state minimum wage, essentially relegating farmworkers to a second-class employee status under the wage and hour law of Massachusetts, and;

WHEREAS, The Fairness for Farmworkers Act, ([S1205](#), [H1979](#)):

- 1) sets the wage for farmworkers at the state minimum wage,
- 2) provides overtime pay for all farmworkers. Seasonal farmworkers will receive one and a half times their normal rate of pay for work performed in excess of fifty-five (55) hours in a week,
- 3) establishes the right to a day of rest each week for seasonal farmworkers, providing overtime pay at time and a half for workers who elect to work on that day of rest, and;

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<sup>5</sup> 169 Letter from Pioneer Valley Workers Center, Initial Survey Results (Feb. 2020)

<sup>6</sup> Connecticut River Valley Farmworker Health Program Demographics Report, Conn. River Valley Farmworker Health Program (Mar. 1, 2021)

WHEREAS, The Fairness to Farmworkers Act has been endorsed by the Fairness for Farmworkers Coalition comprised of leading organizations such as ACLU of Massachusetts, Central West Justice Center, Massachusetts Immigrant and Refugee Advocacy (MIRA) Coalition, Massachusetts Law Reform Institute, Massachusetts AFL-CIO, Massachusetts Coalition for Occupational Safety and Health (MassCOSH), Pioneer Valley Workers Center Western Massachusetts, Western Massachusetts Area Labor Federation, Massachusetts United Food and Commercial Workers (UFCW) Local 1459, and;

WHEREAS, The elimination of the substandard farmworker wage is sound economic policy that will benefit the entire state.<sup>7</sup> A recent report published by the University of Massachusetts Political Economy Research Institute, (PERI), indicates that changes proposed by the Fairness for Farmworkers Act would result in a nominal increase for most farms' annual production costs,<sup>8</sup>and;

NOW, THEREFORE BE IT RESOLVED, that the City Council of Northampton hereby endorses The Fairness to Farmworkers Act, and asks the State Legislature to move to its passage with all deliberate speed.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall send a copy of this Resolution to bill sponsors Senators Adam Gomez and Adam Hinds and Representatives Carlos Gonzalez and Paul Mark, The Fairness for Farmworkers Coalition, Governor Charles Baker, Attorney General Maura Healey, Representative Lindsay Sabadosa, and State Senator Jo Comerford.

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<sup>7</sup> Trish Hernandez & Susan Gabbard, Findings From The National Agricultural Workers Survey (Naws) 2015-2016: A Demographic And Employment Profile Of United States Farmworkers 36 (2018)

<sup>8</sup> Jeannette Wicks-Lim, Estimates Of The Potential Benefits And Costs Of Extending Overtime Eligibility To All Farmworkers In Massachusetts 6 (2020)