

Working Conditions

Growers and Crew Leaders are required to provide the following facilities in the field:

- **Clean and cool drinking water** in areas accessible to workers.
- **Sanitary and private toilet facilities** in close proximity to workers.
- **Hand-washing facilities.**
- **Agricultural tools** that prevent you from having to stoop, kneel, or squat.

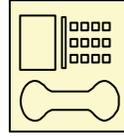


Pesticides

The law gives field workers the following rights:

- To be informed about each pesticide application in your own language.
- To receive information about the period of time after pesticide application when it is not safe to return to the fields.
- The right to request information about pesticide application.
- To receive official training in pesticides before applying them. If you do not have such training, do not handle pesticides.
- To have access to decontamination supplies if you come into contact with pesticides or fields sprayed in the last 30 days.
- To receive medical care if you become sick due to pesticides.

REPORT HAZARDOUS WORKING CONDITIONS!



Anyone can make an anonymous complaint to :

NM Occupational Safety Bureau: (505) 476-8700
(for complaints on working conditions)

NM Department of Agriculture: (575) 646-2133
(for pesticide-related complaints)

Unemployment Benefits

Sometimes farm workers who are not working can receive unemployment benefits. New Mexico eligibility requirements include that:

- You are without a job through no fault of your own.
- You are currently able to work.
- You were lawfully present in the U.S. when you were working.
- You are actively seeking work.

You can apply for benefits over the phone by calling The New Mexico Department of Workforce Solutions Unemployment Insurance Call Center at **(505) 841-4000**.

After applying you will receive a Notice of Initial Determination in the mail. This notice will have information about your benefits. You have a right to appeal a decision that denies you benefits.

NM center on law and poverty

- The New Mexico Center on Law and Poverty is a non-profit law firm and advocacy organization.
- The Center is dedicated to increasing social and economic justice for low income New Mexicans. The Center is committed to improving the working conditions and status of agricultural workers in New Mexico.
- If you are working in illegal conditions, experiencing unjust treatment, or have questions regarding your rights contact the Center for legal advice at **(505) 255-2840**.

NEW MEXICO FARM WORKER LABOR RIGHTS



Wages

Record Keeping & Deductions

Working Conditions

Unemployment Benefits

NM center on law and poverty

720 Yassar Drive NE • Albuquerque NM • 87106
Phone: (505) 255-2840 • Fax: (505) 255-2778

www.nimpovertylaw.org

Wage Rights

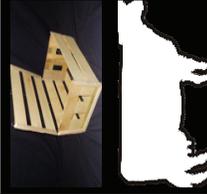
Field workers have the following rights, regardless of immigration status:

- To be paid at least the NM minimum wage of \$7.50 for every hour worked regardless of whether you work by the hour or by the piece.

Examples of Minimum Wage

- If you work 40 hours, you must receive a gross pay of \$300 whether you are paid by the hour or by the piece.
- If you are being paid \$1 a bin and you picked 100 bins while working 40 hours in a week, your wages would be \$100. The boss must pay you an additional \$200 to pay you the minimum wage.
- If you are promised more than the minimum wage, you must be paid what is promised.
- To be paid on time, as promised.
- To be paid at least every two weeks.

NOTE: The federal and state minimum wage law does not apply to persons working on certain small farms and certain hand harvesters commuting to work from their permanent residence working less than 13 weeks a year in agriculture. Call us if you have questions.



Dairy, Cattle, Processing and Packing Workers must be paid at least the federal minimum wage of \$7.25 per hour.

Record Keeping & Deductions

- You have a right to receive an individual written record or paycheck stub for each pay period showing:
 - ⇒ **total hours worked**
 - ⇒ **rate of pay**
 - ⇒ **the number of boxes and piece rate**
 - ⇒ **the pay period**
 - ⇒ **itemized lawful deductions**

LAWFUL PAY DEDUCTIONS

- FICA or (Medicare and Social Security).
- Federal income tax
- State income tax
- The reasonable value of food, utilities, supplies, or housing provided by the employer.
- Cost of tools, but the cost cannot bring your pay below the minimum wage

ILLEGAL PAY DEDUCTIONS

- Time spent waiting to start work
- Crop Spoiling
- Breaking equipment
- Beer, wine, or water
- Being late, quitting, or doing something wrong on the job.

WHAT TO DO ABOUT UNPAID WAGES & UNLAWFUL DEDUCTIONS

The United States Department of Labor helps workers obtain unpaid wages. You can make a complaint while you are working or after you leave.

**United States Department of Labor
Wage and Hour Division**
New Mexico Office: (505) 248-6100
El Paso, Texas Office: (915) 534-6426

Need Help?
Call the **New Mexico Center on Law and Poverty**
(505) 255-2840

Employer Obligations

Recruiting

The person who recruits you for work must provide you with a paper when they offer you the job telling you:

- What type of work you will be doing.
- Where and how long you will work.
- Your wage rate.
- A list of benefits provided by the grower or crew leader and an itemized list of costs that will be deducted from your pay.
- You have a right to this information even if you are paid on a daily basis.



Retaliation is Illegal

- It is against the law for any person to retaliate against you in any way for exercising your right to complain about illegal working conditions or employment practices.
- If you have a complaint or are being retaliated against for making a complaint, please call the Center.