

## FOR IMMEDIATE RELEASE

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### **NM Court of Appeals rules that exclusion of farm and ranch workers from workers compensation is unconstitutional**

**Albuquerque, NM** – In a unanimous decision from the NM Court of Appeals, the Court held that the exclusion of farm and ranch laborers from the Workers’ Compensation Act violates farmworkers rights to equal protection, under the New Mexico Constitution. In a historic decision, the Court found that the exclusion of farm and ranch workers from workers’ compensation is not “rationally related to a legitimate state interest,” Opinion at 14, and struck the exclusion down as unconstitutional discrimination.

In a thorough and thoughtful analysis of the history and purpose of workers compensation coverage, which is intended to protect both the workers and employers, the Court found it is contrary to the purpose of the law to exclude a group of workers from coverage. As the Court stated:

“Our review of the history of the workers’ compensation statutes back to 1929 has not revealed an articulable purpose for the exclusion. The purpose of the Workers’ Compensation Act as a whole is to provide “quick, and efficient delivery of indemnity and medical benefits to injured and disabled workers at a reasonable cost to the employers who are subject to its provisions. One policy factor of great concern is that any judicial analysis under the Act must balance equally the interest of the worker and the employer without showing bias or favoritism toward either. Workers who are unable to perform work duties due to an accident arising out of and in the course of employment are eligible to receive compensation. The state purpose of the Act is not served by creating classification among the state’s workers.” Opinion at 9 – 10 (citations and quotations omitted).

The Court noted that the exclusion is arbitrary and “without purpose or reason and leads to absurd results.” Opinion at 16. As the Court held, “We fail to see any real differences between farm and ranch laborers and all other workers in New Mexico that would justify the exclusion.” Opinion at 17. “[E]xcluding farm and ranch laborers from workers’ compensation coverage directly controverts the purpose and evenhanded philosophy of the Act by placing farm and ranch employers at an advantage and denying workers the benefits the Act was intended to provide.

Legislative classifications that are arbitrary and oppressive without any rational basis are the most objectionable.” Opinion at 19.

Farm and ranch laborers are among New Mexico’s lowest wage earners, and it is very rare for these workers to have health insurance. Additionally, agriculture is a dangerous industry. Farmworkers are exposed to harmful pesticides, heavy machinery, dangerous animals and repetitive motion in their daily work duties. Accordingly, farmworkers often suffer on-the-job injuries, and many of these injuries prevent farmworkers from performing their jobs.

Since New Mexico farmworkers have historically been excluded from workers’ compensation coverage, injured farmworkers have had no means of obtaining medical care or compensation for wages lost due to injury. Under the old law, farmworkers and their families suffered when these workers were injured on-the-job through no fault of their own. Excluding agricultural workers from workers’ compensation drove injured workers and their families into poverty. Pursuant to the Court of Appeals’ decision in *Rodriguez/Aguirre*, farmworkers will now be treated equally under the law of the New Mexico Workers’ Compensation Act. They will now receive medical care and indemnity benefits. Most importantly, access to these benefits increases an injured worker’s ability to recover, return to work and provide for their family.

Gail Evans, Legal Director of the New Mexico Center on Law and Poverty, who brought this case stated, “Finally, a Court has struck down this outdated, discriminatory law which treated our most hardworking and underpaid workers differently from all other workers when they were injured at work. Finally, the men and women who pick our chile, milk our cows, and continue our tradition of being an agricultural state have the same rights to health care and lost wages as other workers in our state, when they are injured doing this dangerous and important work.”